

Proceedings of the Second Session of the first Assam Legislative Assembly, assembled under the provisions of the Government of India Act, 1935

The Assembly met at the Assembly Chamber, Shillong, at 11a.m., on Saturday, the 14th August 1937

QUESTIONS AND ANSWERS

STARRED QUESTIONS

Village uplift and rural reconstruction

SRIJUT JOGENDRA NATH BARUA asked :

*109. Do Government propose to open up village reconstruction and sanitation societies on a large scale in the Province ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

109.—Government intend to do everything in their power to assist in village uplift and rural reconstruction. It is intended, as an experimental measure, to start model villages and the details of such a scheme are now under consideration.

SRIJUT JOGENDRA NATH BARUA: Is there any proposal for starting sanitation committees ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: There is no such proposal for the present.

SRIJUT JOGENDRA NATH BARUA: Will Government take up that programme of starting sanitation committees now ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The matter will be considered.

SRIJUT GOPI NATH BARDOLOI: May I know how many villages have been included in the scheme ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: There must be about 17 villages.

SRIJUT GOPI NATH BARDOLOI: Are any of these villages in backward areas ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, Sir, some of them are.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, this question was answered before, but I will answer it again.

Election of the present Vice-Chairman of the Gauhati Local Board

MR. FAKHRUDDIN ALI AHMED asked :

*110. Will the Hon'ble Minister in charge of the Local Self-Government be pleased to state—

(a) When was the election of the present Vice-Chairman of the Gauhati Local Board held ?

(b) When was the outgoing Vice-Chairman of the said Local Board elected and when did his term of office terminate ?

(c) Whether fresh election, if at all, of the Vice-Chairmans of the said Board did not fall due till after the 21st May, 1937?

(d) Whether the outgoing Vice-Chairman and other members of the Gauhati Local Board raised objections against the last election of the present Vice-Chairman on the ground that it was not in conformity with the law; if so, with what result?

(e) Whether the last election of the Vice-Chairman of the said Board was in conformity with the law; if so, under what provision, section or rule of the Local Self-Government Act?

(f) If the answer to (e) above be in the negative, whether the Hon'ble Minister is prepared to take steps for holding the re-election of the Vice-Chairman of Gauhati Local Board?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied:

110. (a)—On 22nd April 1937.

(b)—On 21st May 1934. Under section 12(3) of the Assam Local Self-Government Act the term of office of a Vice-Chairman is the residue of his term of office provided that it shall not exceed three years.

(c)—This is a matter of the legal interpretation of the Act.

(d)—Yes: With no result—he was overruled by the Board.

(e)—This asks for an expression of opinion and Government are not prepared to give a reply.

(f)—Government have not received any representation in the matter and are not at present prepared to take any action.

MR. NABA KUMAR DATTA: Will the Hon'ble Minister treat the question as a representation?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: No, Sir, how can Government treat this question as a representation.

MR. NABA KUMAR DATTA: Will Government be prepared to consider the question if a representation is made?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The matter will be considered, but I cannot say what the decision of Government will be.

MR. FAKHRUDDIN ALI AHMED: Is the Hon'ble Minister aware that the election of the Vice-Chairman was not in conformity with the law?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: This is a matter of opinion.

SRIJUT LAKHESVAR BOROOAH: On a point of order, Sir. Referring to reply (e), the Hon'ble the Speaker admitted the question as not involving a matter of opinion. How can that be taken as a matter of opinion when the facts are before Government.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Whether the matter is legal or illegal is clearly a question of opinion.

THE HON'BLE THE SPEAKER: There was the further question of representation. That could have been answered.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I do not think that question can be answered now. The matter will be considered by Government if there be any representation.

SRIJUT LAKHESVAR BOROOAH: Am I to understand that the Hon'ble Minister has not considered that point yet?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, to a certain extent.

MR. FAKHRUDDIN ALI AHMED: Then what is the difficulty in answering that question whether the matter was within the law or not?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The question has not come up, but I can say that there seems to be no illegality.

SRIJUT JOGENDRA NATH BARUA: May I ask what is the opinion of the Hon'ble Minister?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: If the hon. member asks my personal opinion I can say that there has been no illegality.

MR. FAKHRUDDIN ALI AHMED: May I ask if any legal opinion was taken in the matter?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes.

Area under the Grazing Reserve in Nowgong District

SRIJUT PURNA CHANDRA SARMA asked:

*111. Will Government be pleased to state (a) the present area under grazing reserves in the district of Nowgong and the area five years ago?

(b) Whether any of the reserves have been opened for settlement and if so, why?

(c) What classes of people were the *pattah*-holders of those areas before the reservation of those lands for grazing?

(d) Whether the claims of the old *pattadars* have been considered for settlement of those lands with them while opening those reserves for settlement?

*112. (a) Is it a fact that by opening such reserves the lands have been settled with immigrants although the original *pattah*-holders have been practically landless?

(b) Will Government be pleased to state the area in the district of Nowgong in the occupation of the immigrants and of the natives of the province and that under the cultivation of tea?

(c) Will Government be pleased to state the total land revenue realised in a year from the tea gardens in the districts of Assam?

*113. (a) Will Government be pleased to state the area under *Lakhiraj* and *Nisf-khinaj* grants in the district of Nowgong excluding the tea gardens?

(b) Will Government be pleased to state the unoccupied area of land in the district of Nowgong excluding the forest and grazing reserves and the hills?

(c) Is it a fact that in the settlement of new lands as well as the lands in the Hojai town in the district of Nowgong, some premiums have been realised from new-comers in the case of the former and from the settlement-holders in the case of the latter?

(d) If so, will Government be pleased to state whether the amount so realised was credited to the revenues of Government ?

(e) Is it a fact that the amount so realised, will be spent for the improvement of the area where it is realised, and if so, have any improvements been made so far in those areas and if so, in what manner ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

111. (a)—In 1931-32	...	...	...	38,753 acres.
In 1936-37	...	...	...	35,716 acres.

(b)—Yes. Fifty-nine reserves were opened in the immigrant areas in the Nowgong district for settlement under the colonisation scheme as they were not required by the immigrants.

SRIJUT PURNA CHANDRA SARMA: Are the Government aware that there have been complaints from the people of Nowgong district regarding settlement of lands now open for settlement after reservation ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: As I have said that the lands which were settled with immigrants were the lands which were originally intended for immigrants as grazing reserves.

SRIJUT PURNA CHANDRA SARMA: Was any representation made by the Kacharies, Lalungs and Koches of the Nowgong district to Government regarding settlement of these lands with them because they originally belonged to them ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have not come across any such representation myself.

SRIJUT PURNA CHANDRA SARMA: Are Government aware that these lands originally belonged to them ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: These grazing reserves were constituted very many years ago and it is very difficult to trace who were the *patta*-holders or whether, as a matter of fact, any *patta* was issued. It is very difficult to say who held this land if at all before it was made a grazing reserve.

SRIJUT PURNA CHANDRA SARMA: If the people can lay facts and figures before the Government to prove that they originally held the land, will the Government cancel the present *pattas* ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I may inform the hon. member that so far as cancellation of *pattas* is concerned and so much of the matter as appertains to the Land Revenue Regulation, it is the Revenue Tribunal to whom such appeal would ordinarily lie.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

111. (c), (d) and 112. (a)—The information cannot be given as the reserves were constituted very many years ago. The areas concerned are now entirely occupied by immigrants.

(b)—The area occupied by immigrants including tea garden coolies, etc. in 1936-37 is 204,078 acres and the area occupied by natives of the province in 1936-37, 337,082 acres and the area actually under tea 12,243 acres.

(c)—The revenue realised from special cultivation during the year 1935-36 was as follows :—

					Rs.
Assam Valley	...	...	...	...	11,54,464
Surma Valley	...	...	...	...	4,44,331

The figures for 1936-37 are not available and only the figure for land settled for special cultivation can be given. The tea gardens also hold land settled for ordinary cultivation for coolies.

113. (a)—The total area of *Lakhiraj* and *Nisf-khiraj* in Nowgong is 7,655 acres as shown in Appendix I of the Land Revenue Administration Report for 1935-36.

(b)—The unoccupied area of land in the district of Nowgong excluding forest and grazing reserves and the Mikir Hills is reported to be about 1,69,800 acres, a great part of which is said to be unfit for profitable cultivation.

(c)—Yes, under the Colonisation Rules and the Town Land Rules respectively.

(d)—Yes.

(e)—The amounts realised are merged in the general revenues of the province but allotments are made according to the necessity for improvements to the Colonisation Area from time to time.

SRIJUT PURNA CHANDRA SARMA: Were any representations sent by the local officers regarding some improvement to be made in the colonisation area in the district of Nowgong?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have not come across any such representation myself.

SRIJUT PURNA CHANDRA SARMA: Was any representation made on behalf of the settlement-holders in the Hojai area.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I do not know. As far as I am aware some such appeal was filed by my hon. friend Srijut Jogendra Nath Barua before the Revenue Tribunal.

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

Procedure of imposing fines on accused persons in Garo Hills

MR. JOBANG D. MARAK asked :

231. Will Government be pleased to state under what law now in force in Garo Hills, the Maharis (clansmen) of convicted accused persons are made responsible for liabilities incurred by the latter?

232. Is it a fact that the properties of clansmen in which an accused has no share or joint interest are forcibly seized, when the fines imposed cannot be realised from him?

233. Will Government be pleased to state whether the Deputy Commissioner has any power to make new laws in addition to the laws and regulations framed and issued by the Governor in Council for the use of Executive Officers of a district; or to add to or modify the same without consulting a duly constituted body empowered by the Governor to make laws?

234. Will Government be pleased to state whether a district Court can have both an original and an appellate jurisdiction?

235. If so, can the same Court set aside its own previous orders?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

231.—It was reported by certain Garo Laskars that the Garo tribal custom is that maharis or clansmen pay the fines imposed on the accused person or persons on the inability of the latter to do so. This tribal custom received legal sanction when, in an appeal case, the Governor in Council ruled that when a convicted accused had no individual property, it was customary in the Garo Hills to realise the fine imposed on him from his maharis' property in which the accused of course had a joint interest.

MR. JOBANG D. MARAK : My question was : if there is any special law or section which is in force in the Garo Hills making the relatives liable for offence of an accused person ? In reply the Hon'ble Chief Minister said that there is no statutory law in the Garo Hills but there are some rules framed by the Governor. Now my question is—is there any section or law for such action in those rules ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I explained yesterday that rules for administration of civil justice and criminal justice in the Garo Hills are only rules of procedure. As substantive law Government have no code there. They have got to try each case according to the tribal custom. There was a report from Garo Laskars that the Garo tradition is that when an accused person cannot pay the fine the Maharis pay it.

MR. JOBANG D. MARAK : Have Government received any representation protesting against the illegal practice which is going on in the Garo Hills ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Excepting notice to this question, we have not got any protest uptil now.

KHAN BAHADUR MAULAVI KERAMAT ALI : Is it a fact that the spirit of Indian Penal Code and the Civil Procedure Code is followed in the hill districts ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Yes.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

232.—No.

233.—No.

MR. JOBANG D. MARAK : Has the Deputy Commissioner power to make a statutory standing order under the law in addition to the Rules framed by His Excellency the Governor ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I have answered the original question of the hon. member : " Will Government be pleased to state whether the Deputy Commissioner has any power to make new laws in addition to the laws and regulations framed and issued by the Governor in Council " etc.

My answer is " no ".

THE HON'BLE THE SPEAKER : Hon. member will take good care not to put supplementary questions on questions that have been already put and answered.

MR. JOBANG D. MARAK : I want to know if such a rule has been framed by the Deputy Commissioner and whether they consider it to be an authority or not.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have already answered that the Deputy Commissioner has got no power to make any statutory law without reference to Government. If my hon. friend will give me any specific instance, I will enquire.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: Are Government aware that the present Deputy Commissioner never follows any law or regulation promulgated by the authorities?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I am not aware of that Sir.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: Are Government prepared to make an enquiry?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, if allegations of any specific instance are made.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

234.—Yes.

235.—No.

Procedure of giving contract works by Public Works Department in Nowgong district.

SRIJUT PURNA CHANDRA SARMA asked :

236. Will Government be pleased to state—

- (a) what was the procedure for accepting tenders for contract works in the district of Nowgong by the Public Works Department in the last year?
- (b) whether the cases of Assamese contractors were taken into consideration and whether all the contracts were given to local men?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

236. (a)—Tenders are called for by public notice in the usual manner and the selected contractor's tender is accepted after scrutinizing the rates, considering the ability of the contractor to carry out the work, and in cases where there is little difference in rates or ability preference is given to Assamese contractors.

(b)—Out of 194 contracts awarded in the Nowgong Subdivision 96 were given to Assamese and 59 to domiciled contractors and the balance to foreign contractors.

KHAN BAHADUR MAULAVI KERAMAT ALI: May I know whether any domicile certificates were filed along with the tenders submitted by domiciled contractors?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I want notice of that Sir.

SRIJUT SARVESWAR BARUA: May I know how many Assamese contractors and how many domiciled and foreign contractors submitted tenders for this contract?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I want notice of that, Sir.

SRIJUT PURNA CHANDRA SARMA: What does Government mean by saying that it is the highest rate?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : There is a schedule of rates in the Public Works Department and that rate is the highest.

KHAN BAHADUR MAULAVI KERAMAT ALI : Is it a fact that big contracts were given to foreign contractors and petty ones to Assamese ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : No, Sir, I refute that charge.

SRIJUT PURNA CHANDRA SARMA : Is it a fact that by the 'highest rate' Government means the Public Works Department highest rate for each item in the schedule of rates ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : No, Sir. The rates for the entire contract is considered while making out the contract.

SRIJUT PURNA CHANDRA SARMA : May we know what is the fact that determines the ability of the contractor ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : That depends upon the financial position of the contractor who has submitted the tender.

SRIJUT PURNA CHANDRA SARMA : Is it a fact that the financial position of the contractor is determined by the capacity of his paying something to the authorities ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I refute that charge, Sir.

SRIJUT PURNA CHANDRA SARMA : Will the Hon'ble Minister enquire if there is any such thing, as I have alluded, in this department ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Unless any specific instances are brought to our notice, I am not prepared to enquire.

SRIJUT PURNA CHANDRA SARMA : There are people who can furnish such information.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : We have no reason to believe that people in Government service are breaking Government rules.

KHAN BAHADUR MAULAVI KERAMAT ALI : May I enquire who are those 59 contractors who are really domiciled ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : If the hon. member wants the information I will make an enquiry.

Establishment of a Town Committee in Nalbari

SRIJUT GAURI KANTA TALUKDAR asked :

237. Is the Hon'ble Minister in charge of the Local Self-Government please state if it is a fact—

- (a) That Nalbari in the Kamrup district is a growing and commercially important place ?
- (b) That its sanitary conditions are extremely bad ?
- (c) That the establishment of a Town Committee has been an absolute necessity ?
- (d) That the inhabitants are persistently appealing to the Government for sanctioning a Town Committee there ?
- (e) That the Government was about to sanction a Town Committee there ; but the project was kept in abeyance for want of a sum of Rs.2,200 required to be advanced as an initial grant ?

(f) That already four paddy husking mills have been working there, endangering the sanitation of the locality unless kept under proper control ?

238. Do Government propose to take early steps to establish a Town Committee at Nalbari and sanction the necessary grant ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

237 & 238.—Government is fully aware of the necessity of the establishment of a Small Town at Nalbari and the hon. member will see from the entry at page 103 of the Budget Memorandum that a sum of Rs. 2,300 has been provided in the current year's budget as a grant-in-aid for this purpose.

SRIJUT GAURI KANTA TALUKDAR : Will Government be pleased to provide the Town Committee with some recurring amount at least for some years to come ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : That is not a supplementary question, Sir. It is a recommendation.

THE HON'BLE THE SPEAKER : I think the question has not been properly framed.

RULING GIVEN BY THE HON'BLE THE SPEAKER AS REGARDS ANSWERING OF QUESTIONS WHICH SEEM TO BE A MATTER OF OPINION

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI : On a point of information, Sir. Questions are duly scrutinised and admitted by the Hon'ble Speaker and to these questions sometimes an answer is given that it is a matter of opinion. Does it constitute a reflection on the Chair ? Sir, I specially refer to starred question 110.

THE HON'BLE THE SPEAKER : If the hon. member puts a general question, I may give a ruling on the point.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI : Very well, Sir, I put it generally.

THE HON'BLE THE SPEAKER : I do not think any hon. member is entitled to say anything questioning the propriety of admitting a question even if it seeks an answer which would be a matter of opinion. But when questions are admitted, they are admitted provisionally. If any such question really asked for an expression of opinion it can be raised here and I may give my ruling, revising, if necessary, my decision in admitting the question.

Abolition of separate representation of Ahoms in Government services

SRIJUT JOGESH CHANDRA GOHAIN asked :

239. Will Government please state—

- (a) Since when the principle of separate representation to the Ahoms in services has been abolished ?
- (b) Who advised Government for the change, or
- (c) What led Government to make the change without the knowledge of the community concerned ?

240. Will Government be pleased to state—

- (a) Whether Government invited the opinion of the "All Assam Ahom Association" or any District Ahom Association, or any leading member of the community in the matter of representation of Ahoms in services ?
- (b) Whether Government received anything either in support or against the said representations ?

(c) If the answer to the above is in the affirmative, will Government be pleased to state, the name or names of the leading man or men of the Association?

(d) If no opinion was invited, the reason or reasons for the same?

241. Is it a fact that (a) in the Sibsagar and Lakhimpur districts the percentages due to the Ahom Community in public services are still left unfilled?

(b) If so, do Government propose to make an early enquiry in the matter and fill up these posts with suitable Ahom candidates, or advise the Public Service Commission to that effect?

(c) If not, why not?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

239.(a)—Since the middle of 1935.

(b)—None.

(c)—The Ahoms are now as advanced as any other racial caste in the Assam Valley. They are Assamese and politically at one with the Hindus of the Assam Valley. They did not seek any special protection during the enquiry stage of the present Reforms. It was considered therefore that their interests would not be injured by separate representation being withdrawn from them.

SRIJUT JOGESH CHANDRA GOHAIN: Is Government aware that Ahoms were granted separate representation not on account of their backwardness but on account of their pre-British history.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir; on both grounds—on account of their previous history, their small number and their backwardness in general education.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

240.(a)—No.

(b) & (c)—One representation from Srijut Mohendra Nath Gohain, *ex-M.L.C.*, was received and duly considered.

(d)—Government examined the question of communal representation in public services as a whole and not with reference to any particular community or communities only.

241.(a)—Does not arise, since Ahoms are no longer separately treated.

(b) & (c)—Government do not propose to take the action suggested now, since only one nationality return has come since the promulgation of the new orders and Government have to be convinced that the Ahoms are not getting their proper share in the services owing to the change adopted in 1935-36.

Status of Barpathar and Sarupathar mauzas of the Golaghat Sub-division under the new Constitution

SRIJUT RAJENDRA NATH BARUA asked :

242. Will Government be pleased to state—

(1) Whether Barpathar and Sarupathar mauzas of the Golaghat subdivision are treated as excluded or partially excluded areas?

(2) The difference between the excluded and partially excluded areas so far as the legal rights of the inhabitants are concerned?

243. Is it a fact that the inhabitants of the Barpathar and Sarupathar mauzas used to enjoy all the legal privileges like the other inhabitants of the rest of the mauzas in the plains in the matter of criminal trials? If so, will Government be pleased to state when these privileges were curtailed and why?

244. Will Government be pleased to state—

the population of Barpathar and Sarupathar mauzas and the number of (a) Caste Hindus, (b) Scheduled Caste Hindus, (c) Hill Tribes inhabiting the mauzas, separately?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

242. (1)—The Barpathar and Sarupathar mauzas of the Golaghat sub-division form part of the Mikir Hills which is a partially excluded area.

(2)—The hon. member is referred to sections 52(e) and 92 of the Government of India Act, 1935. The difference between "excluded" and "partially excluded" areas is briefly that in the "excluded" areas the Governor exercises his functions at his discretion, that is to say, Ministers have no constitutional right to advise the Governor in connection with such areas and their administration lies entirely with the Governor. On the other hand the responsibility for the government of "partially excluded" areas rests primarily with the Ministers but the Governor has a "special responsibility" as regards their administration, that is to say, he can constitutionally refuse to accept the advice of his Ministers on any matter connected with their administration. Other important points of differences are that the expenditure on the administration of "excluded areas" (i.e., totally excluded areas) is non-voted whereas in "partially excluded areas" it is voted and that questions regarding the administration of an "excluded area" cannot be asked in the Legislature without the Governor's consent. In other words the "excluded areas" fall outside the sphere of Ministerial Government altogether and have no representation in the Legislature, whereas "partially excluded areas" fall within the sphere (subject to safeguards) and return representatives to the Legislature.

243.—The inhabitants of the Barpathar and Sarupathar mauzas have always been subject to the rules for the administration of justice and police in the Mikir Hills.

SRIJUT RAJENDRA NATH BARUA: Will the Hon'ble Minister be pleased to enquire that till 1935 these two mauzas were governed by the ordinary criminal law?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Very well, Sir, I will make an enquiry.

244.—The population of the Barpathar and Sarupathar mauzas is 11,476 and 16,923 respectively according to the census of 1931. No separate figures for Caste Hindus, Scheduled Caste Hindus and Hill Tribes inhabiting these mauzas are available.

Scales of pay of Police Sub-Inspectors and Inspectors

SRIJUT JOGENDRA NARAYAN MANDAL asked:

245. Is it a fact that Assistant Sub-Inspectors of Police appointed before 1932, when promoted to the rank of Sub-Inspector get revised scale of pay, i.e., Rs. 75 per month to start with, while Sub-Inspectors when promoted to the rank of Inspector, appointed before 1932, get old scale of pay, i.e., Rs. 175 per month to start with? If so, will Government be pleased to state why this differential treatment is made?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

245.—Yes. The matter is explained in the Finance Department Resolution No.2312-F.(a), dated the 13th June 1935, a copy of which is placed on the library table.

There is no direct recruitment of Inspectors of Police who are exclusively recruited from Sub-Inspectors. An officer of the latter rank in service on 1st January 1932 would on probation be entitled to the old scale of pay of Inspector, because there is a regular and normal flow of promotion to that grade and because both these grades are grouped together. As this is not the case with Assistant Sub-Inspectors and Sub-Inspectors, who are not in the same group, the former draw the new scale of pay of Sub-Inspector when promoted to that grade.

Chief Administrator of Local Funds

MAULAVI NAZIRUDDIN AHMED asked :

246.(a) Do Government propose to appoint the Deputy Commissioner or the Subdivisional Officer as the Chief Administrator of Local Funds ?

(b) If so, will Government please state whether they propose to allow the Local Board to appoint paid Executive Officers ?

THE HON'BLE REV. J. J. M. NICHOLSR-OY replied :

246.(a)—This question is not understood.

(b)—Does not arise.

Sale-proceeds of Estates for arrears of Government revenue

BABU SHIBENDRA CHANDRA BISWAS asked :

247. Will Government be pleased to lay on the table a statement showing year by year and subdivision by subdivision, the amount of surplus deposit (ফাজিলা) out of the sale-proceeds of estates for arrears of Government revenue lying with the Government for the last 10 years in the district of Sylhet ?

(b) In view of the extreme scarcity of water in the rural areas in the district of Sylhet, do Government propose to make provisions for granting long term loans out of the amount of the surplus deposit at a very nominal rate of interest ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

247.—A statement is laid on the table.

Statement showing the surplus sale-proceeds lying with Government in respect of Permanently-settled and Temporarily-settled estates sold for arrears of Land Revenue and Local Rate :—

Surplus sale-proceeds lying in deposit till 30th June 1937

In respect of mohals sold in—	Sadr subdi-vision	Karimganj	South Sylhet	Habiganj	Sunamganj	Total
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1927-28 ..	4,415 12 2	259 12 3	2,295 2 9	259 12 3	36 6 6	7,266 13 11
1928-29 ..	1,559 0 0	475 2 8	1,016 12 3	559 9 6	2,131 8 7	5,742 1 0
1929-30 ..	1,555 4 3	42 10 3	2,433 12 6	1,347 5 11	36 3 7	5,415 4 6
1930-31 ..	1,108 1 3	458 7 2	143 3 9	1,524 8 7	3,654 8 3	6,888 13 0
1931-32 ..	1,209 14 11	646 9 2	304 7 9	1,465 1 6	19 8 11	3,645 10 3
1932-33 ..	2,380 7 3	1,717 12 10	1,290 0 1	2,297 10 3	455 4 1	8,141 2 6
1933-34 ..	1,363 9 4	206 5 7	585 14 6	2,277 15 5	377 8 6	4,811 5 4
1934-35 ..	4,629 12 3	204 11 2	5,180 6 10	1,187 12 11	1,861 3 11	13,063 15 1
1935-36 ..	2,220 3 9	202 3 5	1,130 14 3	14,982 4 4	1,621 0 0	20,156 9 9
1936-37 ..	2,230 2 9	324 5 4	274 7 8	14,250 1 4	647 8 0	17,726 9 1

(b)—The attention of the hon. member is drawn to section 87 of the Assam Land and Revenue Regulation and the notes thereunder. As the claims of the proprietors for refund are not rejected on the ground of lapse of time or limitation Government is not in a position to utilize the surplus for any purpose.

BABU SHIBENDRA CHANDRA BISWAS: Will Government be pleased to put a period of limitation by enacting a Bill?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, the Government does not propose to take any such step.

Travelling allowance bills of Hon'ble Ministers

BABU SHIBENDRA CHANDRA BISWAS asked :

248.(a) Has the attention of Government been drawn to the news published in the "Amrita Bazar Patrika" (Dak Edition), dated 1st July 1937, that the Hon'ble Sir Md. Saadulla and the Hon'ble Srijut Rohini Kumar Chaudhuri drew travelling allowances to the extent of Rs.740-6-0 and Rs.162-6-0 respectively in the month of March 1937?

(b) If so, will Government be pleased to state why these amounts were drawn by these Ministers before they were appointed as such?

(c) Will Government be pleased to state from which place to which place did they draw these amounts for travelling ?

(d) Had this travelling anything to do with their prospective Ministership ?

(e) Do this amount include halting charge as well ?

(f) Will Government please state who was the sanctioning authority ?

(g) Did they come to Shillong ?

(h) If so, under whose invitation ?

(i) Were they told before they actually performed the journey, that they would be given travelling allowances ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

248. (a) —Yes.

(b) —The amounts were drawn in May 1937.

(c) (i) —Rupees 403-2-0 of the amount drawn by the Hon'ble Chief Minister and the whole amount drawn by the Hon'ble Revenue Minister were admissible under Subsidiary Rule 103 at page 64 of the Assam Fundamental Rules and Subsidiary Rules which permit a Minister to draw transfer travelling allowance on joining his post. The balance of Rs.337-4-0 drawn by the Hon'ble Chief Minister was for journeys performed in connection with the formation of the Ministry at the invitation of His Excellency the Governor and was treated as a journey on tour.

BABU SHIBENDRA CHANDRA BISWAS : Will the Hon'ble Minister in charge be pleased to state whether the sum of Rs.337-4-0 was drawn under the Fundamental Rules ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, it is within the power of Government to consider any particular journey as undertaken on duty and they have the power to grant travelling allowance to any person without the contravention of any financial rules. There is the Audit department presided over by the Comptroller to check such travelling allowance and disallow it.

BABU SHIBENDRA CHANDRA BISWAS : Am I to understand that there is no Fundamental Rule which may be quoted ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I have already replied that there is a provision in the rules that Government can consider any particular journey performed by any private person as done on duty and can grant them travelling allowance.

Percentage of Literate people in the Assam Valley

KHAN BAHADUR MAULAVI KERAMAT ALI asked :

249. Will Government be pleased to state—

(a) Whether there has been any increase in the percentage of literate people in the Assam Valley districts between 1920 and now, and

(b) If so, what is the increase ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

249. (a) —Yes.

(b) —The percentage of literates aged 5 and over rose from 7 to 8.5 per cent.

KHAN BAHADUR MAULAVI KERAMAT ALI: May I know how the figures as stated in the reply to question No.249 (b) were collected?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I cannot tell exactly from where the figures are collected by the Secretariat.

KHAN BAHADUR MAULAVI KERAMAT ALI: May I know what steps were taken by Government during the last 17 years to increase the percentage of literate people?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: The increase in the percentage of literate people was due to the expansion of primary education and by increasing the number of Venture Schools, etc.

SRIJUT PURNA CHANDRA SARMA: Are Government aware that the percentage of literacy has not increased in proportion to the percentage of increase in the population?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Though the increase in the percentage of literate people has not been in proportion to the increase in the population, still the percentage of the literate people has much increased than what it was some 17 years ago.

Appointment of Sub-Assistant Surgeon in the Bijni Raj Wards Estate

MAULAVI JAHANUDDIN AHMED asked:

250. (a) Will Government be pleased to state why the appointment of a Sub-Assistant Surgeon in the Bijni Raj Wards Estate was given to a person superseding the better claims of other candidates?

(b) Will Government be pleased to consider the desirability of revising its orders?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

250. (a) and (b)—Government have since passed orders that the post should be given to the *bonafide* native tenant of the Estate.

KUMAR AJIT NARAYAN DEV: Sir, may I know the name of the Doctor referred to in the question?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Does the hon. member want to know the name of the Doctor who has been appointed recently by Government or the name of the Doctor who was originally appointed?

KUMAR AJIT NARAYAN DEV: I want to know the name of the Doctor who has been recently appointed.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The name of the Doctor is Indra Mohan Das.

KUMAR AJIT NARAYAN DEV: May I know where he has been posted?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: He has been posted in charge of the dispensary in the Bijni Raj Wards Estate.

MAULAVI GHYASUDDIN AHMED: May I know whether he has joined the service?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, we have not yet received any joining report.

MAULAVI JAHANUDDIN AHMED: Is the Doctor a native of the province?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The Doctor who has recently been appointed is a native of the province, but the Doctor who was originally appointed was not a native of the province.

MAULAVI GHYASUDDIN AHMED: May I know whether the Doctor received any money from the Estate for the purchase of his books and any stipend while he was a student of the Berry-White Medical School?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes, Sir, he received help from the Estate.

Muslim Hostel attached to the Murarichand College

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI asked :

251. Will the Hon'ble the Minister in charge of Education please state whether it is a fact that there is no prayer room in the Muslim Hostel attached to the Murarichand College, Sylhet?

252. Will the Hon'ble Minister of Education, please state whether it is a fact that there is no common room for the students in any of the hostels, Hindu and Muslim, attached to the Murarichand College, Sylhet?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

251. There is no separate prayer room in the Muslim Hostel attached to the Murarichand College, Sylhet. Students say their prayer in their own rooms. The question of providing a separate prayer room in the Muslim Hostel is under consideration.

252. There is no common room for students in any of the hostels attached to the Murarichand College, Sylhet. In some of the hostels, however, a room is provisionally used as common room when the enrolment falls below 33.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: May I know what is the arrangement for a common room when the enrolment does not fall below 33?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: If the enrolment does not fall below 33, then no arrangement becomes possible.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: Do Government consider the desirability of making some arrangement?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: We shall take the suggestion of the hon. member into consideration.

Bandelling operations of the Steamer Company at Dibrugarh

SRIJUT RAJANI KANTA BAROOAH asked :

253. Is it a fact that the bandelling operations of the Steamer Company at Dibrugarh have been proving detrimental to the town? If so, do Government propose to take steps to issue orders preventing the Company from carrying out bandelling operations near the town?

254 (a). Is it a fact that the Government of Assam annually pays to the Steamer Company a sum of Rs.5,000 to keep rivers in navigable condition?

(b) If so, do Government exercise any supervision on the measures adopted by the Steamer Company in that direction?

(c) If not, do Government propose to consider the desirability of exercising such supervision in future?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

253.—No.

254 (a)—Yes.

(b)—Yes.

(c)—More control may be exercised if and when an Irrigation Division is created in Assam.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: With regard to (b), will the Hon'ble Minister be pleased to explain the nature of the supervision exercised by Government over the Steamer Company?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: We have got our Engineers who go out on tour and take care to see how the handelling operations of the Steamer Companies are performed.

Operation of the Indian Divorce Act in the Garo Hills District

MR. JABANG D. MARAK asked :

255. Will Government be pleased to state whether they propose to suspend the operation of the Indian Divorce Act in the Garo Hills District?

256. Will Government be pleased to state whether the Government of Assam directed the Deputy Commissioner, Garo Hills, to call upon the Garo Christian Community of the district in order to ascertain whether they are willing to continue to be administered according to the Indian Divorce Act which has been in force for over half a century, or to return to their primitive heathen custom of divorce of paying Rs. 60 as *dai* or compensation to the non-consenting party?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :—

255.—Government do not propose to take such action.

256.—No.

MR. JABANG D. MARAK: Will Government be pleased to enquire into the matter whether the Deputy Commissioner of Garo Hills is taking steps to elicit the opinions of the different Christian communities of the district?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, it is hardly necessary to inquire into the matter because the Deputy Commissioner has no jurisdiction in the matter.

MR. JABANG D. MARAK: May I hope that Government will kindly inquire into the matter?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: All right, Sir, I will inquire into the matter, if I know precisely what I am to inquire about.

Number of medical scholarships tenable at the Calcutta Medical College

SRIJUT KAMESWAR DAS asked :

257. Does the Hon'ble Minister in charge propose to consider the desirability of increasing the number of medical scholarships tenable at the Calcutta Medical College even by a little reduction of the value of the scholarships as at present fixed, if necessary?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

257. The present number of scholarships and their value was fixed by the late Government after very full consideration and on the advice of a Committee consisting of the Inspector General of Civil Hospitals and four non-official members of the old Assam Legislative Council. The present Government do not at present propose any change in the number or value of such scholarships.

Dibrugarh Government Girls' High School

MR. NABA KUMAR DATTA asked :

258. Will Government be pleased to state—

- (a) Whether the Dibrugarh Government Girls' High School does not enjoy various holidays and whether these holidays are added to other holidays in order to enjoy an extended period of holidays ?
- (b) Whether the Dibrugarh Government Girls' High School did not observe the last Doljatra holiday and the Easter holidays and whether these holidays were added to the Bihu holidays ?
- (c) If the reply to (b) is in the affirmative, will Government be pleased to state whether it is allowed under the rule ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

258.(a)—The reply to the first part of the question is in the affirmative. As to the second part, this is not usually done.

(b)—Yes.

(c)—Yes, subject to the previous approval of the Inspector of Schools.

MR. NABA KUMAR DATTA : With regard to (a) am I to understand that this is done occasionally ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Yes, it is done occasionally.

SRIJUT PURNA CHANDRA SARMA : Is it a fact that the Inspector of Schools has issued a circular that local holidays cannot be deferred ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I have no information.

MR. NABA KUMAR DATTA : Is it a fact that Dol Jatra and Easter holidays were added to other holidays by the Head Mistress to suit her own convenience ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I am not aware of the fact, but if it was done it must have been done with the approval of the Inspector of Schools.

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN : Is it not a fact that the Headmistress altered the Dol Jatra and Easter holidays to suit her convenience to go down to Gauhati ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I am not aware of the fact but I will make an enquiry.

MR. NABA KUMAR DATTA : Am I to understand that the Inspector of Schools has been given the power to alter gazetted holidays ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Yes, but he should of course obtain orders from the Department.

KHAN BAHADUR MAULAVI KERAMAT ALI: Has he got the power to alter gazetted holidays?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Yes, he has got the power.

MR. NABA KUMAR DATTA: Can he approve of the deferring of the Dol Jatra and Easter Holidays and attaching them to the Bihu holidays?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: He can do so within the total number of holidays.

MR. NABA KUMAR DATTA: Can he change the order of Government?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Within the total number of holidays he can give his approval.

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN: Was the approval of the Inspector taken?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I am not aware of the fact, but the presumption is that it was.

Line System

SRIJUT HALADHAR BHUYAN asked:

259. Will Government be pleased to lay on the table of the House the copies of the notes made by the successive Deputy Commissioners and the Commissioners of the Assam Valley Division, on the "Line System" in the Nowgong district between the Assamese and the immigrants, since 1923 up to date?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

259.—As these are not public documents, under the standing rules, they cannot be placed on the table.

Moreover even if they were public documents they could not be collected in the short space of time available.

SRIJUT HALADHAR BHUYAN: What are the standing rules, Sir?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The answer is given here. These are not public documents; they cannot be placed on the table.

SRIJUT HALADHAR BHUYAN: Why cannot they be placed on the table?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I would refer the hon. member to Rule 23 of the Records Hand Book.

SRIJUT HALADHAR BHUYAN: The answer is "they could not be collected in the short space of time available". Is not 15 days' time sufficient for the purpose?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I do not think so, Sir.

SRIJUT HALADHAR BHUYAN: Are not all the notes asked for in favour of the retention of the "line system"?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have not gone through the records yet, so I cannot say.

SRIJUT HALADHAR BHUYAN: How many months will be required to place the copies of the notes on the table of the House?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have already explained that the rules do not allow me to place the documents on the table of the House as they are not public documents.

SRIJUT HALADHAR BHUYAN: Were these records called for by the Hon'ble Minister?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No, I have not called for any records.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: May I know who promulgated this line system?
(No reply).

Rural water-supply in Nowgong District

SRIJUT HALADHAR BHUYAN asked:

260.(a) Are Government aware that people in many places in the district of Nowgong are suffering for want of drinking water?

(b) If so, will Government be pleased to state whether sufficient measures have been taken to increase the facilities for rural water-supply in the district?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied:

260. (a)—Yes.

(b)—A sum of Rs.20,000 was allotted to the Nowgong district for improvement of water-supply from the special grant received from the Government of India for rural development in 1935-36. A further grant has been promised by the Government of India and the Nowgong district will, along with others, have its share in due course.

Ayurvedic system of medical treatment

SRIJUT GAURI KANTA TALUKDAR asked:

261.(a) Is the Hon'ble Minister in charge of the Medical Department aware that the majority of the people of Assam depend on the Ayurvedic system of medical treatment?

(b) Have Government done anything so far to encourage and spread this system of treatment? If so, what? If not, why not?

262. Will Government be pleased to consider the question of providing Ayurvedic Dispensaries through Local and Municipal Boards?

263. With a view to encourage this system of treatment will Government be pleased to consider the question of opening an Ayurvedic School at Gauhati?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied:

261.(a)—Government are aware that a considerable proportion of the people of the province are treated on the Ayurvedic system.

(b)—Practically nothing. Funds have so far proved inadequate to provide fully for the existing State Medical Institutions.

SRIJUT GAURI KANTA TALUKDAR: Will the Hon'ble Minister please tell us what he means by "practically nothing"?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: That is the answer, Sir.

SRIJUT GAURI KANTA TALUKDAR : "Practically nothing" means that at least something has been done, but may we know what has been done, Sir ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY. Scholarships were awarded to two sons of a Kabiraj.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :

The reply is that Government has spent very little. First, in order to modernise the Ayurvedic system of treatment, and in order to encourage the children of Kabiraje, Government gave a few scholarships tenable at the Berry-White Medical School to enable the students to understand the theory of scientific treatment through allopathy. Some such scholars have gone back to their old system. Then Government have time and often paid from their discretionary allotment sums to students undergoing ayurvedic instruction in Calcutta.

SRIJUT GAURI KANTA TALUKDAR : Are Government prepared to make any further contribution ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : If funds permit, certainly.

SRIJUT PURNA CHANDRA SARMA : Do Government propose to start this system in villages ?

THE HON'BLE MAULVI SAIYID SIR MUHAMMAD SAADULLA : No, Sir.

SRIJUT PURNA CHANDRA SARMA : Is it a fact that the Hon'ble Chief Minister promised a grant to a certain young man studying in Calcutta ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I think the hon. member is referring to a very deserving young man from the district from which my hon. friend comes who has been reading in the Govinda Sundari Ayurvedic College in Calcutta by public charity. I contributed my little mite, and I advised him to apply to the then Minister of the Local Self-Government and Medical for help from the discretionary grant. I myself while I was in charge of the Department helped such students.

SRIJUT PURNA CHANDRA SARMA : Is the Hon'ble Chief Minister prepared to give him further aid :

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I know that he is a very promising young man, and if the discretionary grant which will be coming up before the House shortly is passed by the House that boy will surely receive help. (*Applause*).

SRIJUT PURNA CHANDRA SARMA : Is it a fact that the boy who is joining a research class has been given some hope of assistance by the Hon'ble Chief Minister ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : No, Sir.

SRIJUT GAURI KANTA TALUKDAR : Could we expect Government to make a beginning to encourage the system of Ayurvedic treatment by granting some scholarships to students for study in Ayurvedic colleges instead of sending them to the Berry-White Medical School ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : When funds permit we intend to encourage both systems of Unani and Kaviraji.

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

262.—This is a matter on which the Local Bodies themselves can take the initiative.

263.—The reply is in the negative.

Newspaper caption re happenings in Sonekuchi Mauza

SRIJUT SIDDHI NATH SARMA asked :—

264. Has the attention of the Hon'ble Minister in charge been drawn to an article under caption “অগ্নিৰ প্ৰলয়ৰ মূৰ্তি” published in the “Tindinia Assamiya” of the 4th May 1937 ?

265. Is the Hon'ble Minister in charge aware that houses, granaries and belongings of 7 families of village Sonekuchi mauza Paschim Borigog, thana Rangia in the district of Kamrup, were completely burnt down on the 15th April last and those of the two families were burnt down partly ?

266. Is the Hon'ble Minister in charge aware that a Local Relief Committee was formed to give immediate relief to the distressed families ?

267. Has the Hon'ble Minister in charge received any resolution from the relief committee urging Government for relief of these families ?

268. Has the Hon'ble Minister in charge done anything towards the relief of the distressed families ?

269. If not, does the Hon'ble Minister in charge propose to enquire into the matter immediately and give immediate relief to the sufferers ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :—

264.—The article was not brought to the notice of Government before this question was received.

MR. NABA KUMAR DATTA: May I ask the Hon'ble Minister if he reads the “Tindinya Assamiya” ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Does the question arise, Sir ?

MR. NABA KUMAR DATTA: He says that the article was not brought to his notice. Does not he read the “Tindinya Assamiya” ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I repeat Sir, that the article was not brought to the notice of Government.

MR. NABA KUMAR DATTA: The article appeared on the 4th May 1937. From this am I to understand that he does not read the “Tindinya Assamiya” ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: If the hon. member is enquiring of me as a Member of Government, my reply is that the article was not brought to the notice of Government officially. Is the hon. member enquiring about my personal habits ?

THE HON'BLE THE SPEAKER: Yes, personal habits as a member of Government.

MR. NABA KUMAR DATTA: Yes, Sir, as a member of Government.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: As a member of Government, this was not brought to the notice of Government.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

265—269.—Government are prepared to accept the facts as stated by the hon. member. No resolution or other information was received by Government and there is nothing to show that the damage caused was in the nature of a widespread calamity, provisions for the relief of which are contained in Executive Instructions 101-112 at pages 180-184 of the Land Revenue Manual : it seems rather to fall under the category of a private calamity for the relief of which the Deputy Commissioner possesses powers under Executive Instruction 113. At this distance of time Government do not propose to make any further enquiry.

SRIJUT SIDDHI NATH SARMA : Will the Hon'ble Minister define for the information of the House, what is widespread calamity and what is private calamity ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : If the hon. member will please read Executive Instructions 101-112 at pages 180-184 of the Assam Land Revenue Manual, as well as Executive Instruction 113, he will get some idea of what is widespread calamity and what is private calamity.

SRIJUT SIDDHI NATH SARMA : I have got some idea, but it is not defined here what is widespread calamity and what is private calamity.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I am unable to make it clear any further. If the hon. member first reads them and then comes to the House and says this, I shall explain it.

SRIJUT SIDDHI NATH SARMA : I read them, Sir.

THE HON'BLE THE SPEAKER : The Hon'ble Minister said that he was unable to make it clear. I think the matter ends there.

SRIJUT MAHI CHANDRA BORA : Sir, the Hon'ble Minister has stated that his matter was not brought to the notice of Government. May I know what are the agencies or who are the persons who generally bring these matters to the notice of Government ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I have not received any complaint and no copy of the resolution was sent to Government. It is for the person aggrieved and their sympathisers to complain or send resolutions.

Number of persons in the Police Department and the strength of the Assamese

SRIJUT KAMESWAR DAS asked :—

270. Will the Hon'ble Minister for Law and Order please state the total strength of (i) Deputy Superintendents of Police, (ii) Inspectors of Police, (iii) Sub-Inspectors of Police and (iv) Assistant Sub-Inspectors of Police in Assam and the strength of the Assamese in each of the above ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

270.—A statement is laid on the table.

The number of Assistant Sub-Inspectors of Police belonging to the Assam Valley Districts is not readily available.

Statement showing the total strength of (i) Deputy Superintendents of Police, (ii) Inspectors of Police, (iii) Sub-Inspectors of Police and (iv) Assistant Sub-Inspectors of Police in Assam and the strength of the Assamese in each of the above.

Rank	The sanctioned strength	The strength of Assamese	Remarks
(i) Deputy Superintendents of Police.	10	5	
(ii) Inspectors of Police	47 (including 1 post for the Police Training School held in abeyance).	23	
(iii) (a) Sub-Inspectors of Police Unarmed Branch.	274 (including 2 posts for the Police Training School held in abeyance).	112	33 posts are vacant.
(b) Sub-Inspectors of Police Armed Branch.	16 (including 1 post for the Police Training School held in abeyance).	2 Assamese of Assam Valley. 1 Kachari of North Cach Hills.	
(c) Supernumerary Probationary Sub-Inspectors of Police.	24	9	2 posts are vacant.
(d) Probationary Sub-Inspectors under Training at Sardah, Bengal.	12	7	
(iv) Assistant Sub-Inspectors.	371 (including 1 post for the Police Training School held in abeyance).	The figures are not available.	

SRIJUT KAMESWAR DAS: May I enquire why the number of Assistant Sub-Inspectors of Police is not readily available?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Because, Sir, it has got to be collected from the districts, and owing to the short time we had at our disposal we could not collect it.

Munsiffs' Courts at Maulvibazar

BABU DAKSHINA RANJAN GUPTA CHOUDHURI asked :

271. Will Government be pleased to state—

(a) Whether there are two permanent Munsiffs' Courts at Maulvibazar?

(b) If the answer is in the affirmative, is it a fact that there was on one court from November 1936 to May 1937 ?

(c) If so, why the Court was removed and do Government know that the removal has caused great inconvenience to the litigant public ?

272. Will Government be pleased to state—

the income and expenditure of each Munsiff's Court in the Province and the number of suits instituted and executions and miscellaneous proceedings in each Court ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

271.(a)—Yes.

(b)—There was only one Court at Maulvibazar from 2nd January 1937 to May 1937, and not from November 1936.

(c)—The Munsiff of the 1st Court at Maulvibazar was sent on deputation to Habiganj to act as a 4th Court, from 2nd January 1937, under orders of the Hon'ble High Court. Government are of opinion that this did not cause any inconvenience to the litigant public in Maulvibazar as there was another Munsiff to cope with the work.

272.—A statement for the year 1936 is laid on the Library table for the information of hon. members.

Number of criminal cases tried in Barpathar and Sarupathar mauzas

SRIJUT RAJENDRA NATH BARUA asked :

273. Will Government be pleased to state the number of criminal cases of Barpathar and Sarupathar mauzas tried under the Mikir Hills Tracts Regulations up to March 1937 ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

273.—The number of criminal cases of Barpathar and Sarupathar mauzas tried under the Mikir Hills Tracts Regulations in 1936 was 71 and that for the current calendar year up to March is 16.

SRIJUT RAJENDRA NATH BARUA : Sir, the answer to my question No. 273 has not been complete. Am I to understand that till 1936 these people were tried under the ordinary Criminal Law ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, that is our report. In an earlier question the hon. member stated on his own personal experience that till 1935 people were tried under the ordinary Criminal Law. I promised that I would make an enquiry.

Golaghat Local Board

SRIJUT RAJENDRA NATH BARUA asked :

274. Will the Hon'ble Minister in charge be pleased to state—

(a) Whether the Golaghat Local Board used to contribute Rs.20 to the Municipal Board, Golaghat, for the maintenance of a Middle Vernacular School in the Town ?

(b) If so, since when this sum was contributed ?

(c) When this contribution was stopped ?

275. Is it a fact that this contribution was granted as the majority of boys of Middle Vernacular classes came from the Local Board area ?

276. Is it a fact that the Director of Public Instruction recommended in his inspection remarks, dated 19th November 1934, on Golaghat Town Middle Vernacular School, for a sum of Rs.40 a month ?

277. Do Government propose to ascertain whether the number of boys has decreased since the time when the grant was discontinued ?

278. If the answer to 277 is in the negative, do Government propose to direct the Local Board to continue the grant from the month it was discontinued ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

274. (a)—Yes.

(b)—From 1st April 1935.

(c)—Apparently quite recently, but Government has no information as to the exact date.

275.—Yes.

276.—Yes.

277.—The reply is in the negative.

278.—The question of giving or withdrawing a grant is, under sub-section (2) of Section 54 of the Assam Local Self-Government Act, primarily a matter for the Local Board to decide and Government are not prepared to interfere.

SRIJUT RAJENDRA NATH BARUA: Will the Hon'ble Minister see that the wrong done to the Municipality by not contributing that sum by the Local Board be redressed ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: How can the Minister see to that ?

SRIJUT RAJENDRA NATH BARUA: Whether the Hon'ble Minister is prepared to instruct the Director of Public Instruction to ask the Local Board to contribute the sum ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The reply is very plain Sir. The question of giving or withdrawing a grant is, under sub-section (2) of section 54 of the Assam Local Self-Government Act, primarily a matter for the Local Board to decide and Government are not prepared to interfere. In this matter the Local Board has power to give or withdraw the grant.

SRIJUT RAJENDRA NATH BARUA: But if the Board persists in doing a wrong, will not Government interfere ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: It is very doubtful, Sir, whether the Local Board has done wrong because it does according to power laid down in the Act.

Payment of tolls in the ghats, ferries and bridges

SRIJUT PURNA CHANDRA SARMA asked :

279. Will Government be pleased to state—

(a) the names of persons exempted from the payment of tolls in the ghats, ferries and bridges ?

(b) Whether the members of the Legislatures are exempted from the payment of such tolls and if not, do Government propose to include them in the list of exempted persons ?

280. Is it a fact that the ferries in the Public Works Department' ghats are plied from the month of May in the district of Nowgong ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

279. (a) A list of persons exempted will be found in Appendix B to the Rules under the Northern India Ferries Act and clause 11 of the form of lease for toll bridges which have been placed on the Library Table.

(b) No. The matter is under the consideration of Government.

280. Yes, except the Dharamtul Ferry which is open all the year round.

SRIJUT PURNA CHANDRA SARMA : Are Government aware that these ferries are not necessary in the month of May in the district of Nowgong ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : That is not our report.

SRIJUT PURNA CHANDRA SARMA : Are Government aware that the Local Board ferries are plied from the month of June ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : No, Sir, I am not aware of that.

SRIJUT PURNA CHANDRA SARMA : Will instructions be issued to the Department in the District to ply ferries from the month of June in case they are not necessary in the month of May ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : These are days of retrenchment, and we will take particular care to see that no money is wasted.

SRIJUT PURNA CHANDRA SARMA : Is it not also the duty of Government to see that the ferries are not plied to realise money from the poor raiyats ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : If the ferries are not necessary, Government will not start ferries on these places.

Preparation of list of defence lawyers for pauper accused in Sylhet

MAULAVI ASHRAFUDDIN MD. CHAUDHURY asked :

281. Is it a fact that the list of defence lawyers for pauper accused is prepared by the District Magistrate and then sent to the Session Judge ?

282. (a) Is it a fact that the Assam-Bengal Lawyers conference held in last March at Dacca, has passed a resolution to the effect that the defence of the pauper accused should be left to the choice of the accused ? (b) If so, do Government propose to give effect to it ?

283. (a) Is it a fact that in the district of Sylhet, the Deputy Commissioner has ordered the Public Prosecutor to distribute the criminal briefs to the listed pleaders by rotation ?

(b) Is it a fact that the Government Pleader, Sylhet, has been given absolute discretion for distribution of civil briefs ?

284. If the answer to question 283(b) is in the affirmative, will Government be pleased to state who has issued this order ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

281.—No.

282. (a)—Yes, but the resolution confined itself to undefended murder cases in the Sessions Court.

(b)—Yes, Government are taking steps to give effect to it.

283. (a)—Yes, with regard to the briefs for conduct of prosecution in criminal cases in the magisterial court.

(b)—No.

284.—The question does not arise.

Betting in Shillong Races

BABU KARUNA SINDHU ROY asked :

285. (a) Do Government propose to enquire and state the total amount of betting in Shillong race course each year and who are the organisers of the betting ?

(b) Do Government propose to enquire and state the total amount of profits of betterers who are unconnected with the organisers ?

(c) Is it a fact that the organisers belong to a Club or Association of which high officials are members ?

(d) Will Government please state whether they intend to hold an enquiry into this betting affair ?

(e) Has Government considered the effect of these bettings on the morality of the people ? If so, what are its conclusions ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

285. (a)—Government do not propose to make the enquiry suggested as the race course is situated in Siem's territory and as the racing is conducted by a private concern. There are no organisers of betting, but as usual during race meets, a totalisator is run and a few book-makers are licensed by the concern to take moderate bets. Government understand that the racing generally is administered by the Stewards and Race Officials.

(b)—In view of the reply to (a) above, Government do not propose to enquire into "profits of betterers" and they consider that any such enquiry would be impracticable.

(c)—Government understand that out of a total of 16 Stewards and race officials, only 2 are high officials under this Government.

(d)—No. Betting on a race course is not illegal, and the race course itself does not fall in British India.

(e)—No.

Proscription of a drama to be staged by Ex-students Dramatic Association of Sunamganj

BABU KARUNA SINDHU ROY asked :

286. (a) Is it a fact that a drama written by Babu Chandra Binode Das, M.A., B.L., a Sunamganj Pleader, was released by the Sunamganj Ex-students Dramatic Association for representation on the stage in the year 1935 ?

(b) Is it a fact that it was first allowed by the Subdivisional Officer, Sunamganj, to be staged ?

(c) Is it a fact that subsequently the stage representation was disallowed and if so, will Government please (1) mention the name of the officers who recommended this proscription and (2) state whether the drama is a historical one ?

(d) Will Government please state what objection there is in the drama for which it has been proscribed ?

(e) Was the drama written in jail and passed by the jail authorities ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

286. (a)—Yes.

(b)—No order of the Subdivisional Officer, Sunamganj, either allowing or prohibiting the performance of the said drama can be traced.

(c) and (d)—Does not arise.

(e)—Government have no information.

Kachugaon and Haltugaon Forest Ranges

SRIJUT JOGENDRA NARAYAN MANDAL asked :

287. Will Government be pleased to state —

(1) The number and names of Head Guards, Forest Supervisors, Foresters, Rangers, Deputy Rangers and Forest Extra Assistant Conservators in the Kachugaon and Haltugaon forest ranges stating therein their service periods, monthly pay, and home districts ?

(2) The number and names of clerks in the Haltugaon and Kachugaon forest ranges and also in the Dhubri Forest Office stating therein their service periods, monthly pay and home districts ?

(3) The number of vacancies which occurred in these posts during the last three years ?

(4) The number of appointments made and the names of the persons appointed during the last three years ?

(5) Whether Government propose to make enquiries in regard to the fact that the claims of the people of the district of Goalpara to the posts in (1) and (2) above have been neglected ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

287. (1) and (2)—A statement is laid on the Library table for the information of members.

(3)—Twenty-nine.

(4)—Twenty-nine appointments were made and the names of persons appointed are included in the statement laid on the Library table in reply to question 2(1) and (2). Eighteen of them are natives of the Goalpara district.

(5)—No. The recruitment to these posts is made on a communal basis for the whole province and not on a district basis.

Appointments in Civil Courts, Sylhet

BABU KARUNA SINDHU ROY asked :

288.(a) Has the attention of the Government of Assam been drawn to the editorial comments of the *Sylhet Chronicle*, dated 3rd May 1937, and to an article published in the *Janasakti*, dated 19th May 1937, about grievances against office appointments and transfers in Civil Courts in Sylhet ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :
288.(a)—Yes.

Amount of revenue and local rates paid by Zemindars of Goalpara and Sylhet to the Government

MAULANA ABDUL HAMID KHAN asked :

289. Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

- (i) The amount of revenue and local rates paid to Government by the Zamindars of the districts of Goalpara and Sylhet respectively and the areas of land settled with them ?
- (ii) The area of uncultivated lands in the Garo Hills ?

290. Do Government propose to give in settlement the uncultivated lands in the Garo Hills to intending settlers ?

291. Is it a fact that a large area of *khash* lands in different parts of Goalpara district are being possessed and enjoyed by the Zamindars without settlement and payment of revenue to Government ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

289.(i)—The figures of 1343 B.S. are given below—

District	Area of land in acres	Land revenue	Local rates
		Rs.	Rs.
Goalpara	17,48,419	1,05,830	1,64,801
Sylhet	23,99,882	3,59,341	2,31,461

(ii)—Sixteen lakhs ninty-eight thousand two hundred and twenty-one acres representing cultivable waste land other than fallow.

290.—Government are not aware of any cases in which settlement has been refused to intending settlers and they are at liberty to apply to the Deputy Commissioner.

291.—Government have no information: if the hon. member would give details, an enquiry could be made. As the hon. member is aware, there is no record-of-rights for the district at present.

Khan Bahadur Abu Nasar Md. Yahia's Estate

MAULAVI ASHRAFUDDIN MD. CHAUDHURI asked :

292. Will Government be pleased to state the gross and net income of Khan Bahadur Abu Nasar Md. Yahia's estate ?

293. Is it a fact that under the terms of the *wakf*, the *Mutawali* is to pay Rs. 2,000 each year for stipends and scholarships for the Madrassa students, Sylhet ? If so, will Government be pleased to state whether this sum is being paid regularly, if not, why, and if any lesser amount is paid, at what rate ?

294. Will Government be pleased to state whether it is a fact that while the *Mutawali* has sanctioned the increment in the pay of a certain officer of the estate, allowance of Rs. 25 provided for the payment to the spiritual guide of the late Wakif Khan Bahadur A. M. Yahia, has been stopped for some time ?

295. Will Government be pleased to state whether they propose to place before the District Judge, Sylhet, the estate being a *wakf* one, the budget of the estate every year ?

296. Will Government be pleased to state the number and the names of the literate employees of the estate with their respective pay ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

292—296.—The questions relate to the administration of a private *wakf*. Any one interested who has a legal right to ask for information may apply to the Deputy Commissioner, Sylhet, who is the *Mutawalli*. Government cannot reply to questions dealing with private *wakfs*.

Introduction of compulsory Primary Education

BABU LALIT MOHAN KAR asked :

297. Will Government be pleased to state if, at all, since the passing of the Primary Education Act in Assam, Government had any scheme for giving a trial to the principle of compulsory primary education in any selected area within the Province ?

298. If the reply is in the affirmative, will Government be pleased to lay on the table the scheme at their disposal ?

299. If the reply is in the negative will Government be pleased to state if they propose to formulate and publish any such scheme ? If not, why not ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

297.—Yes. Altogether 7 schemes have been submitted by local authorities since the Act came into force. For financial reasons, however, local authorities have found it impossible to proceed with the schemes.

298.—The details of the schemes are too voluminous to be laid on the table but if the hon. member is interested in any particular scheme I should be glad to discuss it with him.

299.—This does not arise.

Assam Teachers Conference

SRIJUT BHUBAN CHANDRA GOGOI asked :

300. Has the attention of Government been drawn to the grievances mentioned in all Assam Teachers Conference of the teachers of the Primary Schools ?

301. If so, will Government be pleased to state, what steps they propose to take ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

300.—Yes.

301.—The proceedings of the conference have only recently been received and the matter is under consideration.

Sarupathar and Barpathar Mauzas

SRIJUT RAJENDRA NATH BARUA asked :

302. Will Government be pleased to state (a) when the areas known as Sarupathar and Barpathar Mauzas were split up into three Mauzas, viz., Naojan, Kordoiguri and Rengma Pathar ?

(b) What was the area of each Mauza then ?

(c) Whether there was a Mauza called the Barpathar Mauza before the creation of these three Mauzas ? If so, when this Mauza first came into existence ?

303. Is it a fact that in the days of Sir Henry Cotton, the then Chief Commissioner of Assam, there was a circular issued by him regarding the settlement of lands of these Mauzas ? If so, will Government be pleased to lay a copy of the same on the table ?

304. Will Government be pleased to state—

(a) whether these mauzas were under the Mikir Hills Tracts then ?

(b) the procedure in force then regarding the Criminal and Civil administration in these mauzas ?

(c) when were these three Mauzas amalgamated into one Mauza again, called the Barpathar Mauza ?

(d) when was the Barpathar Mauza again split up into Barpathar and Sarupathar Mauzas ?

(e) when were these Mauzas, Barpathar and Sarupathar, first brought under the Mikir Hill Tracts Regulations ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

302.(a)—In 1905.

(b)—Naojan—34 sq. miles.

Kordoiguri—31 sq. miles.

Rengma—32 sq. miles.

(c)—The reply to the first part of the question is in the affirmative. It has not been possible to trace papers showing when this mauza first came into existence. The earliest record of it obtainable is in 1887.

303.—A copy of Notification No.962-R., dated the 25th March 1897, is laid on the Library table. This refers to only a portion of the area in question and was issued at a time when the three mauzas mentioned above had not come into existence.

304.(a)—The area in question at that time formed a part of the Naga Hills district.

(b)—They were administered under the rules framed for the administration of the Naga Hills district under section (6) of the Scheduled Districts Act, 1874.

(c)—In 1908 Naojan and Rengma were amalgamated with Kordoiguri mauza and this mauza in its turn was amalgamated with Barpathar mauza in 1911.

(d)—The orders for splitting up Barpathar mauza into Barpathar and Sarupathar were issued on 10th January 1933.

(e)—Since the creation of the Mikir Hills Tract in 1907.

Loan given by Government of Assam to the Co-operative Banks

SRIJUT PURNA CHANDRA SARMA asked :

305. Will Government be pleased to state the total loan of the Government of Assam and the amount lent by the Government to the Assam Provincial Bank for distribution among the Co-operative Banks of the Province ?

306. Will Government be pleased to state the rate of interest for each of the above loans ?

307. Will Government be pleased to state what portion of the above loan was raised in the province itself ?

308. Will Government be pleased to state the total loan issued by the Government of Assam under the head "Agriculture" and what is the rate of interest thereon ?

309. Will Government be pleased to state the total number of Village Banks in the province, and the total debt of ryots in these Banks ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

305.—It is not clear what loan the hon. member is referring to in the first part of his question. If he means loans made by the Government of Assam, the outstanding balance on the 1st April 1937 is estimated to be Trs.13,13 *vide* page 73 of the budget memorandum. If however the hon. member is referring to the debt due by the Government of Assam, the amount outstanding on the 1st April 1937 according to the revised estimate for 1936-37 is Trs.46,78. It is however likely that when the final accounts for 1936-37 are received this debt will not be more than Trs.32,00.

No loan has been issued to the Assam Provincial Bank in recent years. A loan of Rs.25,000 at 6 per cent. per annum was sanctioned in 1921 and was fully repaid in 1933.

306.—The rate of interest on loans made by the Government of Assam varies from 5 to 6½ per cent. On the debt outstanding on the 1st April 1937 and which has to be repaid to the Government of India in 1938-39 the rate of interest is 2 per cent. per annum.

307.—No loan have been raised in the province.

308.—The actual balance of the loans issued under the "Agriculturists Loans Act" outstanding on the 1st April 1937 was Trs.7,38. The rate of interest is 6½ per cent.

309.—The total number of co-operative societies on the 31st March 1936 was 1301 and the total debt due by people to these societies on that date was Rs.21,08,383. The figures of debt owed by ryots are not separately available.

Lands reserved as village forests

SRIJUT JOGESCHANDRA GOHAIN asked :

310. Is it a fact that before the last re-settlement, lands were reserved as "Village Forests" wherefrom the villagers used to get supply of many of their necessities of every-day use *e.g.*, fuel, canes, thatch, timber, etc.?

311. Will Government be pleased to state whether these "Village Forests" are still in existence ? If not, when they were abolished and why ?

312. Is it a fact that they were abolished for the reason that the rules framed for preservation of the "Village Forests" were not duly observed by the villagers ?

313. If so, did Government make any attempt to enforce the said rules ? If so, how ? If not, why ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

310.—Yes.

311.—No. All the areas reserved as village forests in the plains districts of the Assam Valley were cancelled in 1932, because most of these village forests had not served the purpose for which they were constituted and the rules for their management proved inoperative.

312.—Yes.

313.—Village forests were managed either by a village committee appointed by the Deputy Commissioner or by the Village Authority. These agencies were found to be ineffective for the purpose. Under the rules regarding village forests, neither the Forest Department nor the Land Records staff had any hand in the matter. With the cancellation of the rules, the control of the areas passed to the Deputy Commissioner, who had power to exclude from settlement any area which served for the supply of fuel, and to safeguard it through his Land Records staff.

Professor of Physics in the Murarichand College

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY
VIDYABINODE asked :

314. Will Government please state how and why Mr. Sharaf Uddin Chaudhury, M. Sc., was removed from service, after his officiating service for two years as a Professor of Physics in the Murarichand College, Sylhet ?

315. Is it a fact that after the removal of Mr. Sharaf Uddin Chaudhury a Second Class Hindu candidate was recruited in the Assam Educational Service, in the Cotton College, Gauhati ?

316. Do Government propose to appoint a Muslim in the place of Mr. R. R. Thomas, A.E.S., transferred to the Public Service Commission ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

314.—Mr. Sharaf Uddin Chaudhury was not removed from service. He acted at various times in leave vacancies but such acting arrangements ceased on the return of the permanent incumbents.

315.—The hon. member is referring apparently to the appointment of Babu Manindra Mohan Deb as Lecturer in Physics in the Cotton College. His degree is not a Second Class but a First Class First.

316.—The matter is under consideration.

Cost of electric current consumed in the Murarichand College

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI
asked :

317. Will Government be pleased to state—

(i) What is the cost (actual) of electric current consumed in the Murarichand College, Sylhet ?

(ii) What is the fee collected for the same from the students ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

317. (i) and (ii)—For the year 1936-37 the actual cost of current is reported to be Rs. 1,948 and maintenance charges Rs. 202. The fees realized from the students during the same period amounted to Rs. 3,156.

Procedure regarding payment of revenue by Tea Gardens

MR. NABA KUMAR DATTA asked :

318. Will Government be pleased to state—

- (a) When was the system introduced under which the tea garden revenues are directly paid to the Government treasury instead of being collected by the Mauzadars ?
- (b) Are there any Mauzadars who still collect tea garden revenues ?
- (c) If the reply to (b) is in the affirmative, what is the reason of this differential treatment under which these Mauzadars are still allowed to collect tea garden revenues ?

319. Will Government be pleased to state—

- (a) Whether the three-anna rebate of land revenue was granted only to some tea gardens, and not to all in 1935-36 and 1936-37 ? If so, why ?
- (b) If it is a fact that Government granted the said rebate only to the tea gardens recommended by the Indian Tea Licensing Committee ?
- (c) If the reply to (b) is in the affirmative—
 - (i) Whether the Indian Tea Licensing Committee was given this privilege of recommendation ? If so, why ?
 - (ii) Whether the tea gardens to whom the rebate was granted were selected in a general meeting of the Tea Licensing Committee or by the Joint Controller himself ?
 - (iii) On what basis the selection was made ?

THE HON'BLE SRIJIT ROHINI KUMAR CHAUDHURI replied :

318. (a)—The holders of grant of land leased under section (I) of the old Settlement Rules or earlier special rules always used to pay their revenue direct into the treasury. In 1928 however it was decided that land settled under section II after that date with tea garden managers should not be amalgamated with the mauza and the holder thereof should be required to pay revenue direct into the treasury.

(b)—Yes.

(c)—The mauzadars who in 1928 enjoyed the privilege of collecting tea garden revenues and when they are succeeded by members of their families, their successors continue to enjoy this privilege. When however mauzas are split up or mauzadars are succeeded by other than members of their own families, this privilege is withdrawn.

319. (a)—Yes. The hon. member's attention is drawn to Resolution No.3824-R., dated 14th November 1934, in which it was explained that Government did not consider the continuance of remission in regard to land revenue to be justified in the case of lands held by tea concerns which had been classed as economic units by the Indian Tea Licensing Committee and could be presumed to have reached a remunerative stage of development.

(b)—The rebate is granted only to those gardens classed by the Indian Tea Licensing Committee as non-economic units.

(c)(i)—The Committee was not asked to recommend which gardens should receive rebate of land revenue. In the ordinary course of their duties they classified gardens as economic and non-economic units since they were in the best position to gauge the financial position of tea gardens.

(ii)—Government have no definite information but it appears from the correspondence that the classification of estates was made in a general meeting of the Tea Licensing Committee.

(iii)—The definition of economic unit laid down by the Committee was a tea garden of 150 acres under tea in the case of estates owned by a proprietor or proprietors and 300 acres under tea in the case of an estate or estates owned by a limited liability company.

MR. NABA KUMAR DATTA: May I enquire if Government asked the Indian Tea Licensing Committee to divide the gardens on economic units?

THE HON'BLE THE SPEAKER: The time is up. We shall take it up next day.

FLOODS IN NORTH LAKHIMPUR

SRIJUT SARVESWAR BARUA: Sir, I have given notice of a short notice question regarding a sudden and severe calamity that has befallen my subdivision on account of an unusually high flood.....

THE HON'BLE THE SPEAKER: Yes, I have seen it and the attention of the Hon'ble Revenue Minister has been drawn to it.

SRIJUT SARVESWAR BARUA: I shall feel much obliged if the Revenue Minister will make a statement, if he has to make any, regarding that calamity to-day. Otherwise we shall have to wait till Monday.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: If you permit me, I shall make a statement.

Sir, a telegram was received day before yesterday by the Revenue Secretary at Shillong and this telegram was brought to my notice yesterday. That telegram is from the Deputy Commissioner of Lakhimpur and it says—

“Subdivisional Officer Lakhimpur North wire begins.....Runganadi in high flood since yesterday forenoon water passing over Trunk Road east of Runganadi submerging adjoining villages Kamalabari road breached 6th miles bund near Thana breached flooding part of town several breaches local board road necessary reliefs given flood subsiding since this morning detailed report follows ends.”

On receipt of this telegram we have sent another wire directly to the Subdivisional Officer, North Lakhimpur in order to avoid delay, asking him to inform us by wire if any life or property has been lost and what, if any, further assistance by way of gratuitous relief is necessary. And we have also asked the Subdivisional Officer to let us know the condition of the flood and as to damages that may have been caused daily by wire and I shall issue instructions that copies of such telegrams as are received every day should be laid on the library table.

Sir, this morning I received another copy of a message, not officially, but from Srijut Sarveswar Barua who got it from “Prativa” office and I think I can inform the House about the condition yesterday. This telegram runs—

“Heavy flood throughout whole subdivision Subansiri, Dikrang, Ranganadi with tributaries rapidly rising on account of continuous pouring of rain whole Kamalabari, Telabi mauzas Ranganadi Valley under deep water people taking refuge on Trunk Road and several portions under water Towns danger imminent bunds being broken heavily. Town will be under water within two hours if continues rising, Officials and public men taking steps for rendering help. Kamalabari road blocked for breach.” That is the unofficial information a copy of which was sent to the local press.

So, Sir, that is the state of things and we are trying to do our best and all information received from local officers will be placed on the library table.

DISCUSSION REGARDING THE MINISTERS' SALARIES BILL

SRIJUT GOPINATH BARDOLOI: On a point of information, Sir, evidently to-day we have the Ministers' Salaries Bill only for consideration. And it has to be taken for discussion clause by clause on a subsequent day.

I have not been able to make out the exact position when the Bill is going to be passed into law. There is only one day for Government business other than those relating to the budget and that is, I suppose, on the 1st September. I want to know whether it would be possible in the first place to finish the discussion of this Bill on that day. Secondly, I think it will be necessary to have this Bill passed in the Legislative Council. I want to know whether any sitting of the Legislative Council is going to be held after the 1st September so that the Bill may be passed during the continuance of this session.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, the power of summoning the legislatures is in the discretion of His Excellency. I am not aware whether the Governor is thinking of summoning the Senate or the Upper House in September. The Senate will be in session from next week for only a period of three days.

SRIJUT GOPINATH BARDOLOI: Are we to take it that the scale fixed by the Governor will continue till the matter is taken up by the legislature next sessions?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That is a matter of legal opinion; I am not prepared to say anything on that.

THE HON'BLE THE SPEAKER: The Finance Minister may make one point clear, whether these Bills are going to be taken up on the 1st September.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes.

MR. FAKHRUDDIN ALI AHMED: Sir supposing we do not finish the consideration of these clauses on the 1st September, what will happen afterwards. Because the session closes on the 1st September and if we are not in a position to finish the clauses of the Bill on that day what will happen?

THE HON'BLE THE SPEAKER: The Bills will stand over for the next session.

NOTIFICATION UNDER SECTION 296 OF THE ASSAM MUNICIPAL ACT, 1923

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, I beg to present the Notification* No.2571-L.S.-G., dated the 26th July 1937, under section 296 (3) of the Assam Municipal Act, 1923. The notification is laid on the table.

DISCUSSION REGARDING THE CONSIDERATION OF GOVERNMENT BILLS

THE HON'BLE THE SPEAKER: Before I call upon the Finance Minister to move the motions for consideration of the Government Bills, I want to draw the attention of the House to the fact that after lunch to-day we are to take up non-official business and practically we have only less than an hour for the discussion of the motions for taking the Government Bills into consideration. Now, I think the hon. members will realise that at this stage the principles of the Bill are to be discussed. But so far as the Salaries Bills are concerned the principle whether the Ministers or the Speaker or the President or the Deputy Speaker or the Deputy President has to be given a salary is admitted. And the question only remains what salary ought to be given. The arguments with regard to that may more properly be advanced at the time the Bills are taken up clause by clause. So it is for the House to decide whether they want to devote much time to the discussion of the principles underlying the various Bills when these motions will be made.

BABU DAKSHINA RANJAN GUPTA CHAUDHURY: On a point of information, Sir, I want to know this. If it be found that a particular Bill which is going to be presented consists of not more than one or two clauses and those clauses are not properly framed, are we competent to discuss them to-day?

THE HON'BLE THE SPEAKER: That is a general question. When a particular motion is moved with regard to the Bill, I shall consider the nature of the objection that the hon. member wants to take up. When a motion that is moved it is only then that I shall be able to understand the nature of the objection.

THE ASSAM SPEAKER'S SALARY BILL, 1937.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I beg, Sir, to move that the Assam Speaker's Salary Bill, 1937, be taken into consideration.

Sir, as I have already made it clear in the Statement of Objects and Reasons, this duty of fixing the salary of the Speaker devolves on the House under sub-section 4 of section 65 of the Government of India Act. You have also just now pointed out, Sir, that the only question is as to the amount of the salary which is to be given to the Speaker. I advised His Excellency to fix the sum of Rs.1,000 as the salary for the Speaker per mensem, as this salary was in vogue for the last 12 years in this province. I have been taken to task by some hon. members of this House, though privately, that, in spite of the fact that you, Sir, openly declared in this House that you would be taking only a lesser sum than that provided by His Excellency the Governor, I have still put that figure of Rs.1,000. I again repeat that it is up to the House to fix any sum they like as the salary of the Speaker, and that any amount put in the Government Bill is no bar to their doing so.

THE HON'BLE THE SPEAKER: The motion before the House is that the Assam Speaker's Salary Bill be taken into consideration.

The motion was carried.

THE ASSAM DEPUTY SPEAKER'S SALARY BILL, 1937.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I beg, Sir, to move that the Assam Deputy Speaker's Salary Bill, 1937, be taken into consideration.

Sir, I need not add anything further than to say that the sum of Re.1 per annum which has been put in the Government Bill is in pursuance of the fact that that sum has been fixed by the House as salary for the Deputy Speaker for the last 12 years. Again I say it is up to the House to say what salary the Deputy Speaker shall get, and that matter will come at a later stage of this session.

THE HON'BLE THE SPEAKER: The motion before the House is that the Assam Deputy Speaker's Salary Bill, 1937, be taken into consideration.

MAULAVI ABDUL MATIN CHAUDHURY: Sir, the sum that has been proposed as the salary of the Deputy Speaker is, in my opinion, perfectly ridiculous. In proposing Re.1 as the salary of the Deputy Speaker, the Government has not shown a correct appreciation of the position of the Deputy Speaker. The Deputy Speaker, Sir, next to you is the most important officer of the Assembly Department. In your absence he is to preside over the deliberations of this Assembly. On occasions, Sir, it may be necessary for you to delegate some of your functions to him. That a responsible officer like the Deputy Speaker of this House should get a salary of Re.1 per annum is, I say, absolutely ridiculous. The Hon'ble Chief

Minister has said that he has fixed this sum, because the previous Council fixed a like sum as salary of the Deputy Speaker. The fact that some previous Deputy Speaker on some previous occasion under certain circumstances thought it fit to accept Re.1 as his salary should not be taken as a precedent, and I think the Hon'ble Chief Minister should have considered this question.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I only want to speak a word, Sir. I have made it perfectly clear that the Government have proposed the salary of Re.1, not with the idea that it should be fixed at that amount but that the matter should be decided by the House. This salary of Re.1 for the Deputy President was fixed by the old Council in the year 1925. Since then it has continued at that rate. It is not one Deputy Speaker of a particular political view who voluntarily had the salary reduced to Re.1 but another Deputy Speaker from another political group also accepted the same amount. I therefore think that my hon. friend, Mr. Abdul Matin Chaudhury, will be charitable enough to see that it is not due to any want of appreciation of the dignity of the office on the part of the Government that Re.1 has been put as the salary of the Deputy Speaker in the present Bill.

The motion for consideration of the Bill was put and carried.

✓ THE ASSAM MINISTERS' SALARIES BILL, 1937.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I beg, Sir, to move that the Assam Ministers' Salaries Bill, 1937, be taken into consideration.

Sir, in the Statement of Objects and Reasons I have made it clear that this is another duty which has devolved upon the House under the Statute. I have also explained that, previous to April 1937, throughout the period under the Montford Reforms from the year 1921 up to the year 1937, barring one year, 1924, the predecessor of this Legislature had fixed the salary of the Ministers at Rs.3,500 per mensem. When the new Constitution was ushered in on the 1st April 1937, it was decided that, on account of the increased expenditure, there ought to be a reduction in the salaries of Ministers. Therefore His Excellency fixed the sum of Rs.2,800 for the Chief Minister and Rs.1,800 for the other four Ministers. The same amounts are now proposed in the Government Bill. It is up to the House to fix an amount which they think the Ministers should get. At the present moment, Sir, I am not going into the merits. I see that there are various amendments to the Bill, ranging from the minimum salary of Rs.500 to Rs.2,500. I can say this much, Sir, that the Government, I mean the Ministers, are not wedded to the figures that have been put in the Government Bill. At the proper time they will be prepared to make a gesture according to the popular will in favour of economy.

BABU DAKSHINA RANJAN GUPTA CHAUDHURY: Sir, I wish to bring to the notice of this House certain points in connection with this Bill. Sir, section 50 of the Government of India Act provides that there shall be a Council of Ministers to aid the Governor in the exercise of his functions. As regards the provision of the salaries of Ministers, it comes under sub-section (3) of section 51. It says that the salaries of Ministers shall be such as the Provincial Legislature may from time to time by Act determine and until the provincial Legislature so determines, it shall be determined by the Governor.

Here, Sir, this Bill consists of only one substantive clause namely clause 2, which says that there shall be paid to the Chief Minister a salary at the rate of Rs.2,800 per mensem, and to each of the other Ministers a salary at the rate of Rs.1,800 per mensem. In this Bill, Sir, we find the expression 'Chief Minister' which we do not find in the Act. The Act also does not provide for different grades of salary for the different Ministers. I would ask, Sir, every member of this House to ransack the whole Act from page to page and see whether there is any expression in it like 'Chief Minister.' Secondly, according to the Instrument of Instructions to the Governors, we do not find anything like the words 'Chief Minister'. Moreover Sir, the term 'Chief Minister' has not also been defined in the Bill. Thirdly, in the Gazette Notification of the 1st April 1937 we do not find anything as "Chief Minister" in the Council of Ministers; there was only an announcement as to the Council of Ministers in charge of such and such a portfolio and in charge of such and such departments. Under the circumstances I submit that the term "Chief Minister" should not have been included in the Bill. Sir, here we are to provide for the salary of a gentleman who does not exist in the eyes of law. Therefore this clause is redundant. Again, it may be argued that it is a matter of convention, but according to Maitland and Adams the term convention is defined as that which, though not law, has acquired the force of law owing to constant usage. This Ministry came into existence only the other day, on the 1st of April 1937, so I think that the time that has elapsed has not been enough to justify the growth of usage or convention for the term "Chief Minister". I therefore submit that this Bill in its present form is out of order, and should not come into the consideration of the House.

THE HON'BLE THE SPEAKER: I have listened to the arguments of the hon. member who has just spoken, and I am not disposed to agree with him that the Bill is out of order. He has referred to section 51 of the Act and he has pointed out to this House that this section does not contemplate a Minister who can be called a Chief Minister; but the section says that salaries can be provided for the Ministers, and the Chief Minister is also a Minister. Of course in the clause of the Bill a certain Minister has been described as Chief Minister, but it is open to this House to modify that clause if they do not want that any Minister should be termed as Chief Minister. They may suitably amend the section to do away with the distinction aimed at by the words "Chief Minister" in the clause of the Bill. Also if the Ministry wants that there should be a Chief Minister they may also take other steps with regard to the provisions of the Bill and justify the words "Chief Minister" in the Bill. So for these reasons I do not think that the Bill can be declared to be out of order. And I do not think that the Bill is not in perfect consonance with section 51 to which the hon. member has referred.

SRIJUT DEBESWAR SARMA: Sir, I rise to point out that this Bill should have been brought in by the Cabinet much earlier. We came to Shillong for the April session and we enjoyed the salubrious heights of Shillong for 3 days, and we went back doing practically very little business. For the matter of that the rate-payers of Assam, who are toiling day in and day out and do not know what two meals a day are, had to pay something like Rs.16,000 for our coming and going.

MR. F. W. HOCKENHULL: On a point of information, Sir. Did the hon. member not draw his travelling and halting allowances?

SRIJUT DEBESWAR SARMA: Yes, I did because I was paid. On the other hand it would not have mattered much if I did not.

In that session the Bill was not brought in. The spirit of the Constitution is that the salary of the Ministers is to be determined by the vote of this House almost immediately after the formation of the Ministry. Sir, the other day the Hon'ble Finance Minister was pleased to refer to a question which was subsequently withdrawn, *viz.*, whether the Hon'ble Ministers were going to resign. That was a sporting question Sir, and we should have very much liked to have seen that it was taken with a spirit of sportsmanship, but the Hon'ble Finance Minister took otherwise and made an attack at a time when the attack could not be parried or defended.

Now, as regards this Bill the Constitution lays down that the Legislatures will determine what salaries the Ministers will have, but once it has been decided it cannot be disturbed during their term of office. But, Sir we find from the conduct of the Cabinet that the Bill has been delayed considerably. The spirit of the Constitution is that it should be brought before the House at the earliest possible moment, but by adopting dilatory tactics the Ministry has brought it at a very late stage, and I am doubtful whether the Bill can be taken fully into consideration in this session of the Assembly. By adopting these dilatory tactics they have thwarted the spirit of the Constitution. That being so can they be called popular Ministers? I submit that nearly all the other Ministries brought in this Bill in the first sitting of the Assembly. I would therefore ask whether this Ministry will be pleased to refuse any amount taken as salary that has not been voted in this House that is to say will they refund the difference of the amount drawn and voted?

MAULAVI ABDUL MATIN CHAUDHURY: Sir, I think the consideration that should weigh with us in fixing the salary of the Ministers are so many and so various that it will be rather unwise to jump at any particular figure without giving due consideration to all the factors involved. To view the question in its proper perspective we must not lose sight of the back ground of present position, and at the same time must have our gaze fixed on the vista of the future. Sir, fixing the salary of the Ministers involves the consideration of several matters. It involves the consideration of their status, their dignity, their responsibilities; it involves the consideration of the scale of their pay in relation to the pay of other Services—Imperial and Provincial—and it involves the consideration of the scale of pay given to the Ministers in other provinces; and also it must have reference to the economic condition of the country. Instead of fixing this sum at a preconceived figure we must give due consideration to all the relevant factors and then arrive at a figure which is neither unfair to the Ministry on the one hand nor to the tax-payer on the other.

Now, Sir, there are practically two points of view before us. The Ministry proposes a salary of Rs.2,800 for the Chief Minister and Rs.1,800 for the other Ministers. Against that, Sir, there is the Congress view that the pay of any officer of the Crown must not exceed Rs.500 a month. In my view these two figures require a closer approximation and reconciliation. It must be admitted that the responsibility of the Ministers is great and their pay should be commensurate with the responsibility involved. I think the Congress also recognise that position when they offer to the Minister the highest pay that they would give to any servant of the Crown. But the Congress view is that Ministership must be accepted in a spirit of service and sacrifice and not as an office of profit or gain. Assuming that Ministership should be accepted in a spirit of service and sacrifice, it must be recognised that in this imperfect world of ours where social inequalities exist, Ministers have got to maintain certain decent standard of life and that standard they cannot maintain with the sum that Congress has offered. It

may be said that I have not taken into consideration the case of the Congress Ministers in those provinces where Congress have accepted Ministry. In my view if the service to the people be the sole criterion, irrespective of every other consideration, then Rs.500 is too high a figure to pay to the Ministers. The austere life which Mahatma Gandhi and Babu Rajendra Prasad are living.....

RAI BAHADUR PROMODE CHANDRA DATTA: Is not the hon. member straying far away ?

MAULAVI ABDUL MATIN CHAUDHURY: I am discussing the principles that should guide us in fixing the salary of the Ministers. Now, Sir, as I said that the hard life which Mahatma Gandhi and Babu Rajendra Prasad are living does not require.....

THE HON'BLE THE SPEAKER: I hope the hon. member will not stray away far from the main point.

MAULAVI ABDUL MATIN CHAUDHURY: I maintain, Sir, that if we insist on the standard that Mahatma Gandhi and Babu Rajendra Prasad are observing then we must fix the salary of the Ministers at a lower figure than what is proposed by the Congress. Once you concede that the Ministers are to be paid the maximum that can be paid to any servant of the Crown and also that amount should be something more than bare necessities of existence—(both these assumptions are implicit in the Congress proposition)—the question arises where to draw the line. The amount need not be so arbitrary, as is generally supposed. It must have some relation with the economic condition of the people, the financial position of the province and the social status that the Ministers are expected to maintain. Now, Sir, the Hon'ble Chief Minister has referred that under the previous Government the Minister used to get Rs.3,500. But that was given in consideration of the fact that their salary should not be less than that of their colleagues the executive members who were drawn from the Indian Civil Service which is the highest paid service in India. The Indian public men have protested against the highest salary paid to the Indian Civil Service and it is generally recognised that under the Provincial Autonomy the salary of an officer should be more in consonance with the general poverty of the people and the economic condition of the people. The salary that is paid to the Indian Civil Service has not behind it the sanction of the Legislature. We are not a consenting party to it. Circumstanced as we are, we are bound to pay it whether we wish it or not. But where the discretion lies with us we must see that no extravagant salary is given to the Ministers on the analogy of the salary paid to the Indian Civil Service.

There is another consideration. It is said that we are now on the threshold of a new era of popular democratic control of administration. It has given rise to new hopes and aspirations in the people. The character of the Government is changing from that of a bureaucratic ruler to that of servant of the public—the electorate. The question of Minister's salary should be viewed from this angle of vision. We should create the convention that ministership is not a career. In our country and elsewhere eminent lawyers have sacrificed fabulous practices in the bar to accept Cabinet appointments. They did so in response to the call for national service. If the salary we suggest for Assam Ministers mean in some individual cases loss of pecuniary income, they should find consolation in the thought that in other countries public men have cheerfully made similar sacrifices and that we are setting up a standard which is for the ultimate good of our motherland.

MAULANA ABDUL HAMID KHAN: Sir, মিনিষ্টার দর salary সম্বন্ধে আমার বক্তব্য এই যে salary র টাকা বাহারা supply করিবে তাহাদের অবস্থা সংকার্য বিবরণ হইতে জানা যায়। ১৮৯০ সালে ভারতবাসী দরিদ্র প্রজাদের গড়ে দৈনিক আয় ছিল ৮/৬ পাই এবং আয়ু ছিল ৩২.২ বৎসর। ১৯১০ সালে দৈনিক আয় ছিল ৮/০ আনা এবং আয়ু ছিল ২৭ বৎসর। ১৯২০ সালে ভারতবাসী গরীব প্রজার দৈনিক আয় ছিল ৮/৬ পাই এবং গড়ে আয়ু ছিল ২৩ বৎসর।

THE HON'BLE THE SPEAKER: I want to draw the attention of the hon. member that in the way he has begun, I think he will be repeating the arguments of Maulavi Abdul Matin Chaudhuri.

MAULAVI ABDUL MATIN CHAUDHURI: I do not think you can anticipate his arguments.

RAI BAHADUR PROMODE CHANDRA DATTA: Even if he repeats the arguments of Maulavi Abdul Matin Chaudhuri, I think, he will be perfectly in order.

THE HON'BLE THE SPEAKER: But I think I can stop repetition of arguments.

MAULANA ABDUL HAMID KHAN: ১৯২৭ সালে গড়ে আয় ছিল ১০ আনা এবং আয়ু ছিল ২২.৫ বৎসর।

KHAN BAHADUR MAULAVI KERAMAT ALI: On a point of information, Sir. Is the hon. member in order? The principles have already been accepted as may be seen from the amendment in the Bill. If anything is to be spoken, I think he should speak on the principles of the Bill.

THE HON'BLE THE SPEAKER: These are amendments against the principle of the Bill fixing high salaries.

MAULANA ABDUL HAMID KHAN: একমুখ ভাবে যদি আমাদের দৈনিক আয় এবং আয়ু কমিতে থাকে তাহা হলে ২০ বৎসর পরে মিনিষ্টার দিগকে salary দিবার কোন দরকার হইবে না (laughter) ব'হা হউক মিনিষ্টার সাহেবানদের যোগ্যতা, শিক্ষা এবং সভ্যতার দিকে লক্ষ্য করিলে, আমার মনে হয়, তাহাদের বে বেতন পেশ করা হইয়াছে তাহাতে অসন্তব কিছুই নাই। কিন্তু দেশের প্রতি এবং দেশের সাধারণ গরীব প্রজার প্রতি লক্ষ্য করিলে মনে হয় যে এই বেতন দেওয়া তাহাদের পক্ষে কখনও সম্ভবপর নহে; আমাদের দেশের ৯৬ লক্ষ লোকের মধ্যে অধিকাংশ লোকের দৈনিক আয় ৮/৬ পাই। যখন দেশের লক্ষ লক্ষ লোক না খেয়ে মরে যায়, তখন দেশের বাহারা নেতা তাহারা সুখ সুবিধা ভোগ করিয়া বিলাসে কালাতিপাত করিবে, ইহা কখনও সম্ভবপর নহে। আমি বিশ্বাস করি এবং আশা করি যে আমাদের ফাইন্যান্স মিনিষ্টার মহোদয় প্রজাদের দুখ দৈন্য মর্মে মর্মে উপলব্ধি করিয়াছেন; তাহার salary সম্বন্ধে তিনি নিজেই বিবেচনা করিয়া নিজের কর্তব্য পালন করিবেন (laughter)। আমাদের মাননীয় রেভিনিউ মিনিষ্টার মহোদয় দীর্ঘকাল যাবৎ দরিদ্র প্রজাদিগকে জমিদার এবং গবর্ণমেন্টের অত্যাচার হইতে রক্ষা করিবার জন্য এই House এ আগ্রাণ চেষ্টা করিয়াছেন এবং গরীব প্রজাদিগের

খাজানা কমাইবার জন্য নানাতাবে উপদেশ দিয়াছেন। তিনি গরীব প্রজাদিগকে ভাল করিবার জন্য বাগ্ন এবং তিনি আমাদের আর সম্বন্ধে ভাল করিয়াই জানেন। তিনি তাহার বেতন তাহার মহৎ আদর্শ দিয়াই গ্রহণ করিবেন। Education মিনিষ্টারের সম্বন্ধে বলিতে চাই যে তিনি হইয়াছেন সাম-মূল-ওলেনা তিনি ওলেনাদের মধ্যে চেরাগ, আলোক।

THE HON'BLE THE SPEAKER : I am pointing out to the hon. member that the question of personnel does not come in at all. We are going to fix the salaries whoever he may be. We are not going to fix the salaries for the present Ministers.

RAI BAHADUR PROMODE CHANDRA DATTA : I am afraid Sir, no.

THE HON'BLE THE SPEAKER : No, I do not agree.

MAULANA ABDUL HAMID KHAN : বাহা হউক আমি আশা করি salary সম্বন্ধে আমাদের বিশেষ উপদেশ দিতে হইবেনা। তাহার দেশের শিক্ষিত নেতা; তাহার মহৎ আদর্শ দিয়া তাহার নিজেরাই নিজের কর্তব্য পালন করিবার জন্ত আগ্রহ চেষ্টা করিবেন। ব্যক্তিগত হিসাবে না বললেও একটা কথা আমার মনে হইয়াছে যে আমাদের মাননীয় ফাইনান্স মিনিষ্টার মহোদয় সবদিক দিয়া যোগ্যতা রাখেন। তাহার নিকট হিন্দু, মুসলমান; খৃষ্টান বোধ নাই; তাহার নিকট দেশী বিদেশী সবাই সমান। কিন্তু আমি বাজেট দেখিয়া অবাক হইয়াছি, ১,১১,৭১৩ টাকা New Scheme এর জন্য আসাম জেলিতে দেওয়া হইয়াছে ৮৬৬৮০ টাকা এবং হুশীভেলীর জন্য কেবল ২১,০৩৩ টাকা ধরা হইয়াছে, তাহার নিজের district এর জন্য ধরা হইয়াছে ৪৩,২৭ টাকা। আমাদের district গোয়ালপাড়ায় বিহার এবং কোয়েটার ভূমিকম্পের চেয়ে কোন অংশে কম ভূমিকম্প হয় নাই। সেখানে অনেক পাকা ঘর ছিল তাই পড় গিয়ে লোক মারা গিয়াছে আমাদের খড়ের ঘর বলে আমরা মরে যাই নাই। ভূমিকম্পে আমাদের ভগ্নি ফাটিয়া বালু বাহির হইয়া আশানের মত হইয়া গিয়াছে। তবুও আমাদের গোয়ালপাড়া district এর জন্য মাত্র ২,১২০ টাকা দেওয়া হইয়াছে। আমরা আশা করিয়াছিলাম আমাদের ফাইনান্স মিনিষ্টার মহোদয় আমাদের প্রত্যেক জিলাকে সমান হিসাবে দিবেন।

MR. NABA KUMAR DUTTA : Is the hon. member in order in discussing the Budget, Sir ?

MAULANA ABDUL HAMID KHAN : গোহাটী New Scheme এবং মিনিষ্টারের বেতন বাবদ ৯৮,৪৬৭ টাকা নিয়াছে। যে কামরূপ সারা ভারতে বাছুর-জন্য বিখ্যাত বলিয়া গণ্য, সেই কামরূপের বাছুরের জন্য মাননীয় ফাইনান্স মিনিষ্টার ১০,০০০ টাকা রাখিয়াছেন। আজ যে স্থলে গোয়ালপাড়া জেলায় গরীব প্রজারা ভাল পানীয় জলের অভাবে মরে যাইতেছে—ভূমিকম্পে সমস্ত কুয়া ইনারা প্রভৃতি নষ্ট হইয়া যাওয়ার জন্য পানীয় জলের অভাবে গরীব প্রজাগণ হাহাকার করিতেছে, সেই সময় ফাইনান্স মিনিষ্টার নিজের district এ একটা বাছুর নিষ্পানের জন্য এত টাকা রাখিয়াছেন।

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: On a point of order, Sir. We want to know whether we are fixing the salary of the present Ministers or we are fixing the salary of Ministry in Assam. That is the point that is raised. According to section 51 of the Government of India Act, 1935, sub-section (3) it has been laid down that the salary of Ministers shall be such as the Provincial Legislature may from time to time by Act determine, and, until the Provincial Legislature so determine, shall be determined by the Governor: Provided that the salary of a Minister shall not be varied during his term of office.

So it appears that we are to fix the salaries of the present Ministers.

THE HON'BLE THE SPEAKER: I have given my thought over the provisions of this section. Of course from a reading of this section it first struck me that the salaries should be fixed for the present Ministers. But if the proviso be taken into consideration along with sub-section (3) of section 51, there may be the other interpretation that a minister does not mean a particular Minister, but it may mean the office of the Ministers.

Of course this is my first impression; but I shall look into this matter and give a definite opinion afterwards. I do not like to commit myself now to a definite opinion. I will look into this matter very carefully and give my decision on that point later.

RAI BAHADUR PROMODE CHANDRA DATTA: Supposing we are voting for the consideration of the Bill to-day. Are we thereby committing ourselves to the principle that there should be one scale of pay for the Chief Minister and a different scale for other Ministers?

THE HON'BLE THE SPEAKER: I do not think so.

KHAN BAHADUR DEWAN EKLIMUR ROZA CHAUDHURI: পেটের বেতন কত ছিল? তিনি কি কংগ্রেসের লোক ছিলেন না?

MAULANA ABDUL HAMID KHAN: Sir, যোগ্যতম হিসাবে যদি বেতন ধার্য হয় তাহা হইলে তাহারা যে Bill পেশ করিয়াছেন তাহা হয়ত সমর্থন করিতে আমাদের মধ্যে অনেকেই বাধ্য হইবেন। কিন্তু আমাদের দেশের প্রতি লক্ষ্য করিয়া বর্তমান প্রজাদের হৃদিশ্রাব প্রাতি লক্ষ্য করিয়া, আমি আশা করি, আমাদের বলিবার আগে তাহারা নিজের আদর্শ দেখাইয়া নিজেরাই বেতন ধার্য করিবেন। যদি প্রকৃতপক্ষে দেশের দরিদ্র প্রজার তঃখ, মর্শ্ব-দেমা তাহাদের প্রাণে জাগিয়া থাকে তবে নিজদের দায়িত্ব নিজেরাই গ্রহণ করিবেন—তাহারা দেশর ভাই এবং দেশের নেতার যোগ্য কি না তাহা বেতন ধার্যে বুঝা যাইবে। মন্নিয়া কি পরিমাণ টাকা নিজদের বেতন ধার্য করেন এবং প্রজাদের উপকারার্থে কি ব্যবস্থা করেন সে দিকে দেশবাসী লক্ষ্য রাখিয়াছেন। আমার মনে হয় আদর্শ এবং প্রজাকুলের অবস্থার মধ্যে মীমাংসা করাই সুবিধা হইবে। আমরা কম করিব আর তাহারা বেশী চাহিবেন—ইহার কোন দরকার নাই। কম করা আমাদের ব্যক্তিগত স্বার্থের জন্যও নয় এবং তাহাদের ব্যক্তিগত স্বার্থের জন্যও নয়। আমি আশা করি এই দুইদিনের দিকে লক্ষ্য করিয়া দেশবাসী বাহাতে মরণের কবল হইতে রক্ষা পায় সেই ভাবে মন্নি মহোদয়গণ বেতন গ্রহণ করিবেন।

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, in spite of the fact that we are only discussing a question of principle here, I find that two hon. members have gone really into the merits or quantum of salary that the Ministers should get. In my reply, I will ignore the arguments advanced by these two hon. members. Therefore, I shall confine myself to the points raised by two hon. members from the opposition. First, Sir, my hon. friend Babu Dakshinaranjan Gupta Chaudhury raised the question that this Bill is out of order because the term "Chief Minister" appears in one of the clauses of the Bill. You have already given a ruling against it, but I am quite prepared to defend it on the ground that it has the approval of the Secretary of State. Some of my hon. friends have dealt with that point, and I will briefly show that although the word "Chief Minister" does not appear in the Act itself or in the Instrument of Instruction, Government Rules of Business which have been drawn up under the Model Rules framed by the Secretary of State, and which Rules have been approved by the Secretary of State the term has been adopted. Therefore these rules cannot be modified without his sanction. Therefore you are perfectly justified in saying that the inclusion of the word "Chief Minister" in Clause 2 of the Bill does not make it irregular.

The next point that has been raised by my friend from Jorhat is the question of sportsmanship and dilatoriness. As regards sportsmanship I can tell him that I am a much better sportsman than he not only in the field of politics but also outside (*Hear ! hear !*). Sir, my friend is chafing under a remark which I had to make the other day in concluding the debate on the discussion of the budget, and which remark was engendered by what was said from his party. If he is smarting he should blame his partyman for having evoked that remark.

I emphatically repudiate the charge that the Ministry has intentionally adopted dilatory methods in regard to the Bill for the Ministers' salary. In the first place the statement made by the gentleman is inaccurate. Barring Punjab, where they had a sitting in July, no other province had passed a Ministers' Salary Act, I read in the papers that Bengal has introduced a Bill in their present session. Beyond these two, I am not aware of any other province passing a Ministers' Salary Bill during the last 3 months.

SRIJUT DEBESWAR SARMA : On a point of information Sir. Did the Ministry consider this interim salary, and that is why they delayed ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : My friend need not anticipate my argument. He is a new member and I will excuse his want of knowledge. He is not aware of the procedure which is to be adopted for the purpose of introducing legislation in this House. In the first place, my friend remembers that the present Ministry assumed office on the 1st of April, 1937, and the session called by His Excellency the Governor for selecting our Speaker was on the 17th of April. The present Ministry are not automatous, they are human beings. They had to take charge of their portfolios and it was impossible to expect that they should be able to produce a Bill at once, and even if they had produced it, the Bill would have had to be published in the Gazette before it could be introduced, or if it were not published, it could have been introduced only with the leave of the Legislature. But even if we could have introduced it the Bill could not have been taken into consideration during that session for under certain provisions three clear days are required for notices of amendment and the consideration of no Bill can be taken up unless the members have had the Bill in their hands for 7 days. Nothing of this was possible in a session of three days.

Next, my hon. friend says that we have intentionally called this session at a very late date. I again say that it was not with the idea of delaying the Bill but with the idea of providing for the comfort of hon. members some of whom the last time were living under great difficulties [and I personally saw that some of them were sleeping huddled up on the floor (2 and 3 together) on the floor of small rooms] that I waited till the hostels for their use were completed. I again emphatically deny that there was any dilatoriness on our part, and I say that this is the only proper time when the Bill could have been introduced before the House.

Only one point more that I have to reply to is the criticism about the interim salary. If the framers of the Act intended that the Ministers should get the salary voted by the House from the start of the Constitution, i.e., from the 1st of April 1937, then the provision of the salary would not have appeared in Section 51, which has been read again and again to this House, but which I would again repeat. Section 51(3) says :—"The salary of Ministers shall be such as the Provincial Legislature may from time to time by Act determine, and until the Provincial Legislature so determine shall be determined by the Governor, provided that the salary of the Ministers shall not be varied during the term of office". The fact that a provision was made by the legislators, that there should be an interim salary fixed by the Governor clearly shows that they realised that it would be impossible for the Government to come up for, and for the House to vote, the salary of the Ministry in the very first session.

The motion for consideration of the Bill was put and carried.

THE ASSAM PRESIDENT'S SALARY BILL, 1937.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, I beg to move that the Assam President's Salary Bill, 1937, be taken into consideration.

I have explained in the Statement of Objects and Reasons the considerations which have led the Governor to provide in Clause 2 the salary and allowances of the hon. President. Again I say that the whole matter rests with the House.

THE HON'BLE THE SPEAKER : The motion moved is that the Assam President's Salary Bill, 1937, be taken into consideration.

The motion was carried.

THE ASSAM DEPUTY (PRESIDENT'S) SALARY BILL, 1937.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, I beg to move that the Assam Deputy President's Salary Bill, 1937, be taken into consideration.

In the framing of this Bill we are rather in a difficult position because we do not know what sum to provide as the salary of the Deputy President. But as the Deputy President of the old Council used to draw a sum of only one rupee per annum we have left the figure at that, but it is for the House to fix any salary for the Deputy President that they like in consonance with the dignity and status of the post, and the duties he shall have to perform.

THE HON'BLE THE SPEAKER : The motion moved is that the Assam Deputy President's Salary Bill, 1937, be taken into consideration.

The motion was carried.

THE ASSAM COURT OF WARDS (AMENDMENT) BILL, 1937

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I beg to move that the Assam Court of Wards (Amendment) Bill, 1937, be taken into consideration.

Sir, I have already explained to the House the salient points of this Bill and I do not think it necessary to detain the House any further.

THE HON'BLE THE SPEAKER: The motion moved is that the Assam Court of Wards (Amendment) Bill, 1937, be taken into consideration.

The motion was carried.

(The House was adjourned for lunch till 2 P.M.)

(After lunch)

THE ASSAM PROVINCIAL LEGISLATURE (REMOVAL OF DISQUALIFICATIONS) BILL, 1937

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I beg to introduce, Sir, the Assam Provincial Legislature (Removal of Disqualifications) Bill, 1937.

The motion was put and carried.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I beg to move, Sir, that the Assam Provincial Legislature (Removal of Disqualifications) Bill, 1937, be taken into consideration.

The object of this Bill, Sir, has been clearly stated in the Statement of Objects and Reasons. As hon. members are aware, there are certain classes of persons who are not wholtime servants of the Crown and it is not desirable that they should be disqualified from being chosen as, and from being, a member of the Assam Legislative Assembly or the Assam Legislative Council by reason only of the fact that they hold certain offices; as provided for in section 69 (1) (a) of the Government of India Act we intend to remove such disqualification. Unless such a Bill is passed by the House it is difficult to provide for salaries of such members as may be selected to perform the duties of Parliamentary Secretary.

We have already seen, Sir, that in different provinces the Ministers have their own Parliamentary Secretaries, and the House has seen how difficult it is for the Ministers to carry on the work in the Assembly, and also outside it, without the assistance of such Secretaries.

We have, therefore, brought forward this Bill and it is expected that this Bill will receive the unanimous assent of the House.

THE HON'BLE THE SPEAKER: The motion moved is that the Assam Provincial Legislature (Removal of Disqualifications) Bill, 1937, be taken into consideration.

SRIJUT RAJENDRA NATH BARUA: Sir, in rising to oppose the principles of the Bill, I beg to submit that we do not want the Mauzadars, the Government Pleaders and the non-commissioned officers, as detailed in

the Schedule, to form part of the Bill. We have no objection of course to the Parliamentary Secretaries, but we do not understand the implication of the Private Parliamentary Secretaries, to which I am opposed.

As a matter of fact, we all know the Mauzadars might be taken as Government officials, and as such we do not want to remove their disqualifications by this Bill. Section 69 of the Government of India Act says that they are, at present, disqualified to come to Legislature, but this Bill seeks to remove that disqualification.

Sir, I may just remind the House what Mahatma Gandhi said with regard to his statement to the Congress Ministers, in his memorial leader in the Harijan. He said there that the Ministers should always refrain from doing what is intended to be done under the Act, but do things which are not intended to be done. So, Sir, this Section 69 is a clear instance of what Mahatma Gandhi said and as such we are opposed to the principles of the Bill.

SRIJUT LAKHESVAR BOROOAH: Sir, I rise to oppose the principles of the Bill. Sir, the new constitution that has been given to us contemplates that voters should be allowed a free option to vote. So far as our valley is concerned, almost 99 per cent. of the electorate are under the financial obligations of the Mauzadars. Sir, the financial obligation is the biggest obligation, as the popular saying goes কৰ ডঙৰ ন বকৰা ডঙৰ।

Generally, the raiyats are always under the financial and other obligations of the Mauzadars; so also with the Gaonburas. On this principle, Sir, if this Bill is passed, the voters will be hampered in exercising their vote. On this principle, Sir, I oppose the Bill.

SRIJUT DEBESWAR SARMAH: The introduction of this Bill, Sir, illustrates yet another example of what we contend that a new era might be said to be ushered, but the old ideas are still clinging. This is the same old His Master's voice, with the same old sound box with a new paint, Sir.

The Mauzadars, as we all know, are people who are, from various standpoints, and various connections, obliged to Government in such a way that even if a Sub-Deputy Collector goes to his mauza, he has to do something and certain actions which, left to himself, he would not do. For one thing the Mauzadar is obliged to Government; he is for all practical purposes a Government man. If I am informed aright, he cannot even leave his Mauza without the permission of Government. On the other hand, what is his relation with the raiyats? Firstly, the poor raiyats cannot pay their land revenue in one instalment. Sometimes some of them give a cow or others their wife's ornament (*Keru and Thuria*), this is supposed to be appropriated towards part payment of the *Khajna*—i. e. land revenue. But, Sir, more often than not this part appropriation is not found credited in the Mauzadar's book.

Next when the raiyat will come again to pay the balance of his revenue he would be told that he had to pay yet more as outstanding balance, thus a good percentage of the raiyats cannot pay their land revenue in time. Under the circumstances, the raiyats or the people are obliged to the mauzadar and they fear him like anything; some time ago, if I remember aright, it was told on the floor of this House or elsewhere by the Government that they are leaders and leaders with a vengeance, because they can make the raiyats sit or stand according to their sweet will on account of the illiteracy and grinding poverty of the people. While they are masters of the poor raiyats on the one hand, on the other hand these mauzadars are practically Government servants. If that is so about the mauzadars, the least said about the Government Pleaders the best. The Government

pleaders under the law have a great latitude. But as a matter of fact, what do we find ? Do we not find that when a Deputy Commissioner or some such high officers leave a place these Government pleaders are very keen about giving tea-parties, and making necessary arrangements. Indeed in all proposals, in all matters the Government pleaders take a Government side in season and out of season wherever and whenever the bureaucratic Government is concerned. And what does the Ministry want the Government pleader to have this franchise for if it is not to strengthen their own position, just the strength they think they ought to have to keep them where they are.

So, I submit, Sir, that the principle of enfranchising the mauzadars, the Gaonburas and the Government pleaders is actually reactionary and should not be encouraged.

DR. MAHENDRA NATH SAIKIA : Sir, in what has been said by my predecessor I do not see much reason which stands in the way of this Bill being moved and passed. My predecessor has said, that the Mauzadars are practically under the grip of the Government officials and that they have got great influence over the raiyats. He also expressed the other day that Deputy Commissioners and other officials of Government canvassed against the Congress candidates in the last elections. My submission is that even if it is a fact even then they could not defeat the Congress candidates. When there is a system of secret vote no such influence can work against the free will of the voters in exercising their own sweet will. Therefore, Sir, if this secret system is continued, then I do not see any reason why there should be difficulty for any man in voting according to his will. As such I do not see sufficient reason to oppose this Bill.

SRIJUT PURNA CHANDRA SARMA : Sir, this matter involves a principle. The principle and issue before the House will be whether these men are under the influence of Government. It is an undoubted fact, and I think it will be undisputed at the same time, that Government pleaders and mauzadars get profit or income from Government and are more or less influenced by Government. And as such in matters of local elections or in any election, these people cannot express their free ideas and opinions. We all know what influence the Government pleader and also the mouzadars and other people having some sort of profit from Government exercise over the common mass people. The Government pleader has some hand in the matter of election of jurors and at the same time in the appointment of jurors as all know and jurymen who are taken from the villages have been or can be influenced by the Government pleaders. Do we not by this Act give a handle to the Government pleaders to exercise their influence now for the purpose of taking votes from the people and at the same time allow the mauzadars, if they wanted, to go a little further in this respect in the way of canvassing votes ? His influence has repeatedly been said to be an economic influence on the masses which is rather very great. The mauzadars do no other duty than the usual work of collection of Government revenue and as such they can exercise a lot of influence on the masses and I think they should not have this further handle. It will be against all democratic principles and would act against the exercise of free will by the common people.

SRIJUT KAMESWAR DAS : Sir, the present Bill seeks to exempt certain classes of people who are not wholtime servants under the Crown. The Hon'ble Minister in charge has not explained how these part time servants deserve the special exemption. Gaonburas, mauzadars have been picked up to be so exempted by this Bill. But are these people Government

servants at all? I am afraid they are not and do not require to be exempted. Is the Hon'ble Minister in doubt that the hon. mauzadar member of this House is here not under the provisions of the Government of India Act? If so, he is I think under a wrong impression. The mauzadars instead of being servants of the Crown are rather contractors under Government. They are granted commissions for their collection works. Gaonburas do not draw any pay but are allowed some allowances and as such they cannot be taken as Government servants. I do not know much of the Army Officers. But from a reading of paragraph 3 of the Schedule, Commissioned Officers also seem to be included for exemption. Members of the Auxiliary Forces are also sought to be exempted. If we are to exempt all these classes of people we shall probably be violating the principle sought to be introduced by Section 69 of the Government of India Act. If these persons are taken as part-time servants under the Crown then that should be the reason why they should not be exempted. There is a meaning in debarring the Government servants from standing as candidates in elections to public bodies and that meaning will be lost sight of if certain classes of people are exempted for the only reason that they are not wholetime servants. The Members' Salary Bill is, I think, coming before the House very soon under the provision of Section 72 of the Government of India Act. When the members will be allowed salary will they also be considered as salaried servants of Government and require exemption by a Bill of this kind? My own idea about this Bill is that so far as the mauzadars and the gaonburas are concerned it will not effect them any way and give them no additional relief. I am opposed to exempting the officers of the Army in India Reserve, Commissioned and Non-commissioned officers or members of the Indian Territorial Force. About the Government pleaders and Public Prosecutors, if they are considered as servants of the Crown, I certainly object to their being exempted, even though they may not be taken as whole-time servant of the Government. Assam being a poor province we cannot afford to have Parliamentary Secretaries or Parliamentary private Secretaries, and so no exemption will be necessary in this connection. As this Bill seeks to exempt a purely imaginary set of people who are not in existence at present, a second set who are not even now Government servants and require no exemption by an Act and also a third set who are Government servants and do not deserve any special exemption I oppose the introduction of the Bill.

SRIJUT HALADAR BHUYAN: সভাপতি ডাঙৰা, এই টা জনজাগ কথা বে
লোন খালে শুণ গাব লাগে।

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, the hon. member knows English well. He put his questions in English this morning. Should he not speak in English?

SRIJUT DEBESWAR SARMA: Is anybody ashamed for speaking in Assamese in Assam, Sir?

THE HON'BLE THE SPEAKER: It is a question of the convenience of the House. If different languages are spoken, hon. members will realise that there will be great difficulty. But when a member is not sufficiently proficient in English, I think he should be allowed to speak in his own language. The hon. member might have put questions in English. But that does not show that he will be proficient to express himself properly in English when delivering a speech.

MR. F. W. HOCKENHULL: If that ruling is followed, I think wherever possible the member concerned should give a summary of his remarks in English, as is being done in other provinces.

THE HON'BLE THE SPEAKER: He might not be so well up in English as to give even a summary of his speech. If the hon. member concerned can do so, he should try to give a summary in English.

SRIJUT KARKA DALAY MIRI: Sir, in Assam province everybody should know Assamese.

SRIJUT HALADHAR BHUYAN: সভাপতি ডাঙৰীয়া, এইটো সকলোৰে জনাজাত কথা যে লোন খালে গুণ গাব লাগে। মৌজাদাৰ, গবৰ্ণমেণ্ট প্লীডাৰ, গাওঁবুঢ়া এই সকলে চৰকাৰৰ লোন খায় আৰু একবাক্যে নহয় একবাক্যে remuneration অৰ্থাৎ চৰকাৰী কাম কৰাৰ বাবে চৰকাৰৰ পৰা বানচ পায়। এই নিমিত্তে গবৰ্ণমেণ্ট বা প্ৰজা সকলোৱেই জানে যে তেওঁলোক চৰকাৰী বিষয়া। কিন্তু কোনো কোনো সময়ত তেওঁলোক চৰকাৰী বিষয়া নহয়—তেওঁলোকক তেওঁলোকৰ কামৰ বাবে কমিশ্যন দিয়া হৈ বুলিহে প্ৰকাশ কৰা হয়। কিন্তু যেতিয়া কোনো ৰাজহুৱা কামত তেওঁলোকে কংগ্ৰেচ বা অন্যান্য ৰাজনৈতিক আন্দোলনত যোগ দিয়ে তেতিয়া খিলঙৰ ডাঙৰ ডাঙৰ অফিচৰ সকলৰ পৰা আবন্ত কৰি জিলাৰ বৰচাহাব আৰু পুলিচ সকলে ভীক্ষু দৃষ্টি ৰাখে যে মৌজাদাৰ আৰু গাওঁবুঢ়া বিলাকে তেনেকুৱা সভাসমিতিত যোগ দিছেনে নাই (hear, hear)। যি সকলে যোগ দিয়া সেই সকলৰ ওপৰত কঠোৰ ব্যৱস্থা কৰা দেখা যায়। এই ৰাজনৈতিক আন্দোলনত যোগ নিদিয়াৰ পৰা সহজে বুজিব পাৰি যে মৌজাদাৰ, গাওঁবুঢ়া আৰু গবৰ্ণমেণ্ট প্লীডাৰ সকল চৰকাৰী বিষয়া। মৌজাদাৰ পদটো এটা অদ্ভুত সৃষ্টি। গবৰ্ণমেণ্টে তেওঁলোকক কমিশ্যন দি ৰাখিলেও প্ৰকৃতপক্ষে গবৰ্ণমেণ্টৰ প্ৰায় বিলাক কামতে তেওঁলোকৰ দৰকাৰ আছে আৰু তেওঁলোকক কমিশ্যন দি, তহচিলদাৰ সকলক দৰমাহ দি, তেওঁলোকৰ হতুৱাই কাম কৰাইছে। প্ৰজাবিলাকৰ ওপৰত যেতিয়া খাজনাৰ বাবে জুলুম চলে তেতিয়া চৰকাৰে কয় যে “আমি একো কৰা নাই। মৌজাদাৰৰ লগত খাজনাৰ চুক্তি (contract) আছে। খাজনা তুলিবৰ সময়ত সিবিলাকে কি জুলুম কৰিবলৈ বাধ্য হব লাগে তাৰ লগত আমাৰ একো সম্পৰ্ক নাই।” কিন্তু যেতিয়া মৌজাদাৰ সকলক গবৰ্ণমেণ্টে নটীছ দিয়ে যে অমুক তাৰিখে খাজনা আদায় নকৰিলে বৰ ক্ৰোক কৰা হব, তেতিয়া মৌজাদাৰ সকলে উপায় নাপাই ঘৰ সোমাই জুলুম কৰি, হালৰ গৰু, ঘৰৰ তাতহাল পৰ্য্যন্ত ক্ৰোক কৰি অনা দেখা যায় আৰু প্ৰকৃতপক্ষে সেই জুলুমত গবৰ্ণমেণ্টে সহায় কৰে। কাৰণ যেতিয়া সেইবিলাক নিলাম কৰি তেওঁলোকে গবৰ্ণমেণ্টৰ খাজনা আদায় কৰে তাত গবৰ্ণমেণ্টে কোনো বাধ্য নিদিখে। তাৰ মানে বাইজৰ জুলুমৰ বাবে মৌজাদাৰক দায়ী কৰি—গবৰ্ণমেণ্টে আঁতৰব পৰা চাই থাকে, আৰু ভোট সম্পৰ্কে যোৱাবাৰ ইলেকচনত দেখা গৈছে যে কোনো মৌজাদাৰে কেতিয়াও কোনো জাগাতে কংগ্ৰেচৰ এজন সভাকো সহায় কৰা নাই। তেওঁ-বিলাকে এইটোহে কোৱা শুনা গৈছিল যে “আমি কংগ্ৰেচত যোগ দিব নোৱাৰো। কৰণ জিলাৰ বৰ চাহাবৰ কানত পাবলৈ আমাৰ সৰ্কনাশ হব”। প্ৰকৃততে বৰচাহাবৰ ইচ্ছাৰ বিৰুদ্ধে এখোজো লবচৰ কৰিব নোৱাৰোঁ। এই বুনিয়েই তেওঁলোকে আঁতৰি আছিল। গাওঁবুঢ়া বিলাকো সেই একে অৱস্থা। গাওঁবুঢ়া বিলাকে সদৌ আসাম গাওঁবুঢ়া সম্মিলন

পাতি তেওঁলোকে চৰকাৰৰ কি কি কাম কৰিব লাগে, কিমান চৰকাৰৰ পৰা বানচ পাব
অৰু কি কি ক্ৰটি হৈছে সেই বিষয় চৰকাৰলৈ আজি পঠিয়াইছে অৰু সভাসমিতি কৰি
তেওঁলোকে আশ্বাসন কৰিছে। সিদ্ধি এই বিষয়ে তাৰাপ্ত মিনিটৰ মহাশয়ে বিবেচনা
কৰিম বুলি কথা দিছে। গৱৰ্ণমেণ্ট প্ৰাডাৰো যে চৰকাৰী বিষয়া অৰু প্ৰতি পদে যে তেওঁ-
লোক চৰকাৰৰ তলত, এইটো কথা সকলোৱে জানে। ইয়াক বেচিটেক কোৱাৰ দৰকাৰ
নাই। গতিকে মোৰ মতে অৰু গোটেই আসাম দেশৰ সকলো প্ৰজাৰ মত এই যে
মৌজাদাৰ সকল, গাওঁবুঢ়া সকল অৰু গৱৰ্ণমেণ্ট প্ৰাডাৰ সকল চৰকাৰী বিষয়া। সেই
কাৰণে মই এই বিলাক দুখীৰ প্ৰতিবাদ কৰোঁ।

MAULVI GHYASUDDIN AHMED: On a point of information, Sir, May I know if Government pleaders include retained pleaders also, as the latter are appointed on the same conditions as Government pleaders?

THE HON'BLE THE SPEAKER: I am not here to interpret it. It is premature to do so at any rate.

KHAN BAHADUR MAULAVI KERAMAT ALI: Sir, I am inclined to agree with my hon. friend Mr. Kamsewar Das, that the word 'mauzadar' should not have been brought into this Bill at all. Section 69 runs thus:— "If he holds any office of profit under the Crown in India". Now the question is whether mauzadars hold an office of profit under the Crown. My hon. friends who come from the Assam Valley districts perhaps know that the majority of mauzadars, instead of holding offices of profit, are holding offices of loss. Many mauzadars have been ruined, because they have failed to collect revenue and in consequence have been compelled to pay all the revenue which under the contract they have to pay. To do this they are to take loans or sell away their properties. I therefore think, Sir, that the mauzadars are not disqualified under this clause from being members of the Assembly.

As regards Government Pleaders, I think they do not come under the category of Government servants at all; because we all know that Government pleaders sometimes appear in cases against the Crown, of course with the premission of the Deputy Commissioner or the authorities concerned and therefore they are also not Government servants in the true sense of the word. And so I think Government Pleaders and mauzadars are not disqualified under this clause to become members.

RAI BAHADUR PROMODE CHANDRA DUTT: On a point of information, Sir. Does the Hon'ble Minister in charge accept the interpretation which has been put on the clause by hon. friend the Khan Bahadur?

THE HON'BLE THE SPEAKER: The question of interpretation of terms is, I think, irrelevant at this stage. It is sufficient that doubts are being expressed with regard to the meaning of the words introduced in the Bill.

SRJUT SARVESWAR BARUA: Sir, the question of making the mauzadars and Government pleaders eligible for election to this House or to the Upper House and the question of their retaining such offices after they have been already elected, is the subject matter of the discussion which has been raised here. Now, Sir, we are shy of seeing them in the two roles which mauzadars will play if they are allowed to stand for election. First in the election they always influence the votes by the very fact that they stand as candidates. I have got in my experience that when mauzadars stand for election either to the Local Board or to the Council the raiyats

as a general do not dare to cast their votes in favour of the rival candidate. They always vote in favour of the mauzadar. If enquiry is made in respect of those cases where mauzadar candidates stood for election to the Assembly in the last election it will be found that in almost all the cases the mauzadars topped the list in the mauzas which were held by them. Again in the other role, i.e., after they have become members of the Legislature, what can we expect of them? They are always at the mercy of Government. The Mauzadars and Government pleaders are always at the bid and call of the officials under whom they serve and therefore they can not be expected to be independent in the exercise of their judgment and discharge of their duties as legislators. As such we are opposed to the principle of this Bill in seeking to make these part-time Government servants eligible for election to the Legislatures.

MR. F. W. HOCKENHULL: It seems that we are wandering from the point we are considering, namely, the principle involved in this Bill, and are dealing with details. Only a few years ago I myself would have been ineligible if this contention is held, because I was a non-commissioned officer in the Assam Valley Light Horse. I think, Sir, every tax-payer has his rights and it comes with a poor grace from the party advocating wider franchise that they should advocate the retention of these disabilities.

SRIJUT SARVESWAR BARUA: May I know on what principle the whole-time Government officers have been excluded from the Legislatures although they are tax-payers?

MR. F. W. HOCKENHULL: I leave that to Government to reply.

SRIJUT LAKSHESVAR BOROOAH: On a point of information. In reply to my friend Srijut Sarveswar Barua my hon. friend Mr. Hockenhull has enunciated that because mauzadars like other classes of people pay tax, they should be allowed to exercise their franchise and stand as candidates for the Legislatures. But would hon. Mr. Hockenhull say if the Government servants who pay tax should be allowed to stand as candidates?

MR. F. W. HOCKENHULL: My reply is that I am sorry I am not in charge of the Bill. *(Laughter)*.

MR. JABANG D. MARAK: Sir, I also oppose the Bill. It is said that Mauzadars are semi-official and they are under the influence of the Deputy Commissioners and Sub-Deputy Collectors. Another thing is that they will have undue influence over the people of their mauzas. On more point that I should like to bring is that the Laskars in the Garo Hills are also semi-officials, but they are not allowed to stand as candidates for the Legislatures. So the Mauzadars and Laskars are on the same footing and I therefore do not support the introduction of this Bill.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: My hon. friends who are opposing the principle of this Bill are assuming that this Bill has been brought forward only to benefit the present Government. By Government it does not necessarily mean that we are continuing the past bureaucratic Government or that the present brown bureaucracy, as the hon. members mean to say, will continue for ever. I can dare say that if my hon. friend from Jorhat comes to take my position he will find that this provision of the Bill would be very useful. My hon. friends are speaking of the Mauzadars as if they are a peculiar sort of persons who are out to do mischief to the people and that they will obstruct the realisation of popular desire for improvement and progress of the country. My hon. friends have not a word to say against the Gaonburas. The Goanburas are also in the same predicament of the Mauzadars and they are also in obedience to the Sub-Deputy Collectors and Deputy Commissioners.

SRIJUT DEBESWAR SARMAH: On a point of information. Have not the Hon'ble High Court been pleased to hold that the Mauzadars are Government servants?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No.

SRIJUT DEBESWAR SARMA: Is the Hon'ble Minister in charge of Law and Justice aware that the High Court have held them as Government servants?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: They have been held to be public servants in the same sense in which Chairmen of Municipal and Local Boards are.

I wish to repudiate the suggestion which is being made in this House that Mauzadars, if elected to this House, will be rather a drag on Government or rather a drag on the country, because, Sir, I have found that Mauzadars have shown their independence and have shown their will against district officers. (Srijut Sarveswar Barua—very seldom). It is not a matter of to-day, 12 or 13 years ago when there was a question whether there should be a non-official Chairman or an official in the Gauhati Local Board, I think the hon. leader of the opposition will remember that it was with the vote of the Mauzadar members that the Gauhati Local Board decided to have a non-official Chairman. The Deputy Commissioner was one of those present and he was suggested as Chairman by some members. It was 12 or 13 years ago that Mauzadars exercised their independence. I know in the district of Lakhimpur from which my hon. friend Srijut Laksheswar Borooah comes Mauzadars show a good deal of independence and I can dare say, but for these mauzadars he could not have been returned to this House.

As regards the remarks made by my hon. friend from Nowgong, I do not know why he is so much against Mauzadars. His family, I think contributed a number of Mauzadars in the district, and his family is popular in the district because mauzadars of his family have always been very kind and generous to the raiyats. Therefore he has also attained so much popularity.

Now, we should not exclude these classes of people merely because there may be some who have in the past proved very faithful to the old Government. That is no reason. (*a voice*: we want to exclude them on principle.) The principle is that which has been enunciated by Mr. Hockenhull. If he is a tax payer and if there is no strong reason against him, then he should be allowed just as any other members.

SRIJUT PURNA CHANDRA SARMA: On a point of information, Sir. Will the Hon'ble Minister like to include all Government servants in his Bill?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir I would not like to include Government servants for various reasons. One reason is that I would like the Government servants to utilise their time in doing the work for which they are paid by Government instead of doing work in the provincial legislature. That is one great reason. Other reasons are that section 61 of the Government of India Act stands in the way.

Then, Sir, I am extremely surprised to find that objection should have come from a section of the House that is now out for securing adult franchise. I respectfully submit, this is taking a very narrow view of things. I think hon. members will realise the position of the Mauzadars, how far they have been helpful to the raiyats. They have to pay the Government demand in most cases even though they may not be able to realise from the raiyats.

SRIJUT DEBESWAR SARMA: I want to raise a point of order, Sir. If the Hon'ble Minister chooses to make incorrect statements on the floor of the House what are our remedies? The mauzadars are not helping people.

SRIJUT ROHINI KUMAR CHAUDHURI: I think the hon. member has by this time realised that he has gone into dangerous grounds by criticising mauzadars, because the consequences may not be pleasant. (Mr. Gopinath Bardaloi—That may be so.)

MR. FAKHRUDDIN ALI AHMED: May we take it, Sir, that the Hon'ble Minister was returned by the help of mauzadars?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I remember that some Mauzadars voted for me.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: Are we going on with the principle of the Bill, Sir?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: However, there is another matter to which I should like to draw the attention of the House. We have in this House a mauzadar member; he represents the Mikir Hills Tract. (*a voice*: things are quite different there). Unfortunately there is a dearth of literate men. Do the hon. members desire that this mauzadar should not have been returned? So, Sir, it is very unwise to make such sweeping remarks against mauzadars merely because mauzadars caused some inconvenience to some aspirants.

SRIJUT DEVESWAR SARMA: On a personal explanation, Sir. When the Hon'ble Minister is raising the question of the Mauzadar member, I should say, we put certain suggestions to the Mauzadar member. He said that he was afraid of the Revenue Minister.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: It is extremely unkind and undignified for a member of the House to disclose any private conversation he may have in this House with another member of the House. It is extremely unkind and undignified I repeat. He is probably taking advantage of the simplicity of the hon. member.

THE HON'BLE THE SPEAKER: I am disposed to agree with the Hon'ble Minister. It was not proper for the hon. member to disclose the statement made by another member, perhaps in confidence.

SRIJUT DEVESWAR SARMA: I did it jocularly.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: If I disclose some of the conversation I had with the hon. member yesterday will he like it? But I will not do that.

SRIJUT GOPINATH BARDOLOI: That is dignified indeed—more dignified.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: Fine sense of dignity indeed.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: So, Sir, I am inclined to agree with my hon. friends Srijut Kameswar Das and Khan Bahadur Maulavi Keramat Ali in the contention which they have raised that strictly speaking the Mauzadars do not come under the purview of section 69(I)(a) because they are not really officers enjoying profit under

the Crown. Sir, this question has been several times raised in this House whether the Mauzadars are competent to stand as candidates for election to the legislature. In order to set this dispute at rest and in order to give guidance to future Returning Officers we thought it advisable to bring in this Bill to have the benefit of the opinion of this House. This is the reason, Sir, why we have included them in this Bill.

SRIJUT GOPINATH BARDOLOI: On a point of order, Sir. Is it the duty of the Legislative Assembly to interpret the rules?

THE HON'BLE THE SPEAKER: When a Bill is brought in for certain purposes, the Minister is entitled to get the opinion of the Government Legal Experts and it is on the strength of the opinion of the Legal Experts, that they make provision in the Bill and when the Bill is introduced in the House, the House is to consider whether these provisions are to be embodied in the Act or not. Of course they are quite within their right to put forth their views.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, I think, I need hardly waste the time of the House any more on this subject because if any hon. member really wishes to exclude the Mauzadars from the benefit of this Bill, he can bring in an amendment and the matter may be decided later.

Then, Sir, I come to the question of the function of Government pleaders. This point has been very clearly dealt with by my hon. friend Khan Bahadur Maulavi Keramat Ali. Government pleaders can in no sense come within the term 'Government servant'. Because they can really appear against Government also. They can also defend cases which are prosecuted by the Crown. (*A voice—only when they are allowed*). Their position is that of a Ratainer for Government so far as the professional duties are concerned. Government do not insist that they should perform any other duties besides their legitimate legal duties as a lawyer.

SRIJUT LAKHESVAR BOROOAH: Does not the Deputy Commissioner take their opinion in revenue and civil matters?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Of course in these revenue matters where question of law is involved Government pleaders have got to give their opinion when asked for by the Deputy Commissioner.

Beyond their legal duties, they have absolutely no other duties to perform but if some Government pleaders try to come to the good book of Government by doing something which they are not required to do that is entirely a different matter. I will just now read section 307 of the Government of India Act before the House so that the hon. members can draw their own conclusions. "For the purpose of first elections of persons to serve as members of Federal legislature and of Provincial Legislatures no person shall be subjected to any disqualification by reason only of the fact that he holds an office of profit as non-official member of the Executive Council of the Governor General or a Governor or as a Minister in a Province. An office which is not a whole-time office remunerated either by salary or by fees".

This is only, Sir, for the purpose of the first elections and therefore only to assist us in the subsequent elections we have brought in this provision and we want to avail ourselves of the benefit of the opinion of this House. I understand, Sir, that there is no objection so far as the Parliamentary Secretaries are concerned, but certain objections have been raised as regards the Parliamentary Private Secretaries. I can admit that we have made a provision for this because the Punjab has already passed a bill on a similar line. It does not mean that when we have included it, we shall have necessarily to appoint Parliamentary Private Secretaries. We only want to have a legislation so that we may utilise it when required and not otherwise.

Then as regards, Sir, these officers mentioned in 3 and 4 of the schedule they are really not the servants of the Crown but they perform their duties and get something by way of allowance from Government for keeping horse, etc. So they should not be disqualified merely because they get small a sum of money from the Crown. As I have said, Sir, all these questions whether in a schedule a particular office bearer should remain or not, it will be for the House to consider and we shall have ample time for this.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: On a point of information, Sir. Will the Hon'ble Revenue Minister please explain the meaning of the term Parliamentary Private Secretary?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: A Minister may have a Parliamentary Secretary as well as a Private Secretary. The Private Secretary may assist the Minister in his ordinary domestic work.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: Are we to understand that the Private Secretary will do all private works including the domestic work?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Outside the House, I suppose, there may be certain social functions which may be attended to by the Private Secretary. Moreover there is a lot of correspondence to be attended to by the Minister and that can be done by the Private Secretary. They may also help the Ministers in carrying out their office work outside this House.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: In your capacity as Revenue Minister and also in your capacity as Srijut Rohini Kumar Chaudhuri?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: In the capacity as Minister the Private Secretary will assist him outside the House in his office work.

THE HON'BLE THE SPEAKER: The question is that the Assam Provincial Legislature (Removal of Disqualifications) Bill, 1937, be taken into consideration. A division was claimed.

THE HON'BLE THE SPEAKER: I must remind the hon. members that canvassing is not allowed in the House. Of course hon. members can move from one place to another but there should be no canvassing in the House. (*Hear, hear.*)

MR F. W. HOCKENHULL: That is most unparliamentary.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Can one hon. member drag another hon. member in the House?

THE HON'BLE THE SPEAKER: Certainly not.

The question was put and the House divided with the following result:

Ayes—60

Noes—38.

- | | |
|---|--|
| 1. Kumar Ajit Narayan Dev. | 1. Mr. Arun Kumar Chanda. |
| 2. Babu Akshay Kumar Das. | 2. Srijut Beliram Das. |
| 3. Srijut Jogendra Narayan Mandal. | 3. Srijut Bhuban Chandra Gogoi. |
| 4. Babu Kalachand Roy. | 4. Babu Bipin Behari Das. |
| 5. Dr. Mahendra Nath Saikia. | 5. Srijut Bipin Chandra Medhi. |
| 6. Mr. Naba Kumar Datta. | 6. Babu Dakshina Ranjan Gupta Chaudhuri. |
| 7. Srijut Purandar Sarma. | 7. Srijut Debeswar Sarmah. |
| 8. Srijut Ram Nath Das. | 8. Srijut Ghanashyam Das. |
| 9. The Hon'ble Srijut Rohini Kumar Chaudhuri. | 9. Srijut Gaurikanta Talukdar. |
| 10. Maulavi Abdul Aziz. | 10. Srijut Gopinath Bardoloi. |
| 11. Maulavi Abdul Bari Choudhuri. | 11. Srijut Haladhār Bhuyan. |
| 12. Khan Bahadur Hazi Abdul Majid Chaudhury. | 12. Babu Hirendra Chandra Chakravarty. |
| 13. Maulavi Abdul Matin Chaudhury. | 13. Srijut Jadav Prosad Chaliha. |
| 14. Maulavi Abdur Rahman. | 14. Srijut Jogendra Chandra Nath. |
| 15. Maulavi Syed Adur Rouf. | 15. Srijut Jogendra Nath Barua. |
| 16. Maulavi Md. Abdus Salam. | 16. Srijut Jogeschandra Gohain. |
| 17. Maulavi Dewan Muhammad Ahab Choudhury. | 17. Srijut Kameswar Das. |
| 18. The Hon'ble Maulavi Md. Ali Haidar Khan. | 18. Babu Kamini Kumar Sen. |
| 19. Maulavi Dewan Ali Raja. | 19. Mr. Kedarmal Brahmin. |
| 20. Maulavi Muhammad Amjad Ali. | 20. Srijut Krishna Nath Sarma. |
| 21. Maulavi Badaruddin Ahmed. | 21. Babu Rabindra Nath Aditya. |
| 22. Khan Bahadur Dewan Eklmur Roza Chaudhuri. | 22. Srijut Lakheswar Borooah. |
| 23. Maulavi Ghyasuddin Ahmed. | 23. Babu Lalit Mohan Kar. |
| 24. Maulavi Jahanuddin Ahmed. | 24. Srijut Mahadev Sarma. |
| 25. Khan Bahadur Maulavi Keramat Ali. | 25. Srijut Mahi Chandra Bora. |
| 26. Maulavi Muhammad Maqbul Hussain Chawdhury. | 26. Srijut Omeo Kumar Das. |
| 27. Khan Bahadur Maulavi Mahmud Ali. | 27. Srijut Paramananda Das. |
| 28. Maulavi Mabarak Ali. | 28. Rai Bahadur Promode Chandra Dutt. |
| 29. Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | |
| 30. Maulavi Munawwarali. | |
| 31. Maulavi Muzarrof Ali Laskar. | |
| 32. Maulavi Namwar Ali Barbhuiya. | |
| 33. Maulavi Naziruddin Ahmed. | |
| 34. Maulavi Sheikh Osman Ali Sadagar. | |
| 35. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | |
| 36. Khan Sahib Maulavi Sayidur Rahman. | |
| 37. The Hon'ble Shams-ul-Ulama Maulana Abu Nasr Md. Waheed. | |
| 38. Col. A. B. Beddow. | |

(Ayes—60 *contd.*)

39. Mr A. F. Bendall.
40. Mr. J. R. Clayton.
41. Mr. W. R. Faull.
42. Mr. W. Fleming.
43. Mr. B. I. Barry.
44. Mr. F. W. Hockenhull.
45. D. B. H. Moore.
46. Mr. R. A. Palmer.
47. Miss Mavis Dunn.
48. Mr. Benjamin Ch. Momin.
49. Srijut Bhairab Chandra Das.
50. Srijut Bideshi Pan Tanti.
51. Srijut Binode Kumar J. Sarwan.
52. Srijut Dhirsingh Deuri.
53. Rev. L. Gatphoh.
54. Mr. C. Goldsmith.
55. Mr. Jobang D. Marak.
56. The Hon'ble Rev. J. J. M. Nichols-Roy.
57. Srijut Khorsing Terang.
58. Mr. P. Parida.
59. Srijut Rabi Chandra Kachari.
60. Srijut Rupnath Brahma.

(Noes—38 *contd.*)

29. Srijut Purna Chandra Sarma.
30. Srijut Rajani Kanta Borooah.
31. Srijut Rajendra Nath Barua.
32. Srijut Sankar Chandra Boruah.
33. Srijut Sarveswar Barua.
34. Babu Shibendra Chandra Biswas.
35. Srijut Siddhi Nath Sarma.
36. Maulana Abdul Hamid Khan.
37. Maulavi Muhammad Amiruddin.
38. Mr. Fakhruddin Ali Ahmed.

The Ayes being 60 and the Noes 38, the motion was carried.

SRIJUT KHORSING TERANG: সভাপতি মহোদয়, মই শুনিবলৈ পাইছোঁ

যে শ্রীযুত দেবেশ্বৰ শৰ্মা ডাঙৰায়াই কৈছে... ..

THE HON'BLE THE SPEAKER: What is the matter on which the hon. Member is wishing to speak?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, he wants to make a statement with reference to the remarks that were made by the hon. member Srijut Debeswar Sarma about the alleged private conversation. He wants to make a statement about that.

THE HON'BLE THE SPEAKER: But the proper time for doing that would have been at the time the remarks were made. For myself the difficulty is that I cannot follow the hon. member in Assamese.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: If you permit me, Sir, I can translate it for you.

SRIJUT KHORSING TERANG: সভাপতি মহোদয়, মই শুনিবলৈ পাইছোঁ—

যে অনাৰেবোল শ্রীযুত দেবেশ্বৰ শৰ্মা ডাঙৰায়াই কৈছে যে মই অনাৰেবোল বোভিনিউ মিনিষ্টাৰৰ ভিত্তত কোনো বিষয়তে কংগ্ৰেছৰ লগত তেতিয়া দিব পৰা নাই। কিন্তু মই এই বিষয়ে তেখেতৰ লগত কোনো কথা প্ৰকাশ কৰা নাই। মই এই কথা শুনি বৰ দুখ পাইছোঁ।

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The hon. member says that he is very sorry to learn that it has been stated on the floor of the House by one hon. member that he had a conversation alleging that he could not vote with the Congress because he was afraid of the Revenue Minister. He denies any such conversation.

THE HON'BLE THE SPEAKER: The hon. member Srijut Debeswar Sarma did not mention any name. And if the hon. member thought that he was meant, of course, he was entitled to make a statement just after the time when Mr. Sarma made his statement.

SRIJUT DEBESWAR SARMA: মই কবো নাম কোঁৱা নাচি নাঁ। Only one word I will say, Sir, on a point of personal explanation. I beseech you to give me only one minute, to explain myself.

মই কবো কথা প্রকাশ কৰা নাই আৰু আৰু অখোপকথন বিষয়ে একো উল্লেখ কৰা নাই আৰু এতিয়াও মই কোনো তৰ্কলৈ নানামো। কিন্তু এতিয়াই অনাবেদন লৈ বহুত বোহনী কুম'ৰ চৌধুৰীয়ে সেইজন মেম্বাৰৰ ওচৰলৈ গৈ কুচকুচাই আহিছে আৰু তেওঁ উঠাই দি এই উক্তি কৰাইছে—

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: On a point of explanation, Sir, when I was speaking of Srijut Khorsing Terang, the one mauzadar member of the House, my hon. friend Srijut Debeswar Sarma rose up and made that allegation.

SRIJUT DEBESWAR SARMA: What about your whispering to him?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: (Rising to speak).

THE HON'BLE THE SPEAKER: Order, order. Hon. members will take their seats. It is certainly unfortunate that such scenes should be enacted on the floor of the House. I appeal to the good sense of the House to remember that it is up to them to maintain the dignity of the House.

While on this matter, I also wish to draw the attention of the House to the fact that during the time the division was taking place (*hear hear*), I saw two members of the House actually being carried into the division lobbies, one to the Ayes lobby and another to the Noes lobby. I would point out to the members that such conduct is entirely out of order and detracts very much from the dignity of the House.

Elections to the various Railway Advisory Committees

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I beg, Sir, to move:—

- (i) That this Assembly do proceed to elect in accordance with the instructions contained in the voting paper, one member to the Assam-Bengal Railway Local Advisory Committee;
- (ii) That this Assembly do proceed to elect one member to the Dibru-Sadiya Railway Local Advisory Committee in accordance with the instructions contained in the voting paper;
- (iii) That this Assembly do proceed to elect one member to the Tezpur-Balipara Railway Local Advisory Committee in accordance with the instructions contained in the voting paper;
- (iv) That this Assembly do proceed to elect one member to the Jorhat Provincial Railway Local Advisory Committee in accordance with the instructions contained in the voting paper.

The motions were successively put by the Chair and carried.

THE HON'BLE THE SPEAKER: The voting will commence forthwith. Ballot papers are on the table of hon. members.

SRIJUT LAKHESVAR BAROOAH: On a point of order, Sir. I sat as a candidate for the Dibru-Sadiya Railway. I want to withdraw my candidature in favour of Srijut Rajani Kanta Barooah.

THE HON'BLE THE SPEAKER: I think it is not permissible for the hon. member to withdraw at this stage.

Election to the Assam Development Board

THE HON'BLE THE SPEAKER: There is another motion in the name of the Hon'ble Maulavi Md. Ali Haidar Khan. I think he should also move his motion so that the voting may proceed.

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I beg, Sir, to move that this Assembly do proceed to elect members to the following Advisory Board in accordance with the instructions contained in the voting paper :—

The Assam Development Board :—

(a) Agricultural Section ... 4 members.

(b) Industrial Section... ... 4 members.

(c) Co-operative Section ... 4 members.

The motion was put and carried.

SRIJUT DEBESWAR SARMA: Sir, as regards the Jorhat Provincial Railway, there are only two names, viz., Srijut Ramnath Das and mine. I want to withdraw :—

THE HON'BLE THE SPEAKER: Very well. The members may vote accordingly taking note of the fact that the hon. member is not willing to be on the Committee.

(During the progress of voting the Hon'ble Speaker left the Chair and the Deputy Speaker occupied it.)

(Voting went on)

(At this stage the Hon'ble Speaker occupied the Chair)

INCLUSION OF THE NAME OF THE HON'BLE THE SPEAKER IN THE COMMITTEE FOR MAKING RULES FOR THE PROCEDURE AND CONDUCT OF BUSINESS OF THE ASSAM LEGISLATIVE ASSEMBLY

MR. F. W. HOCKENHULL: Sir, I beg to move that this House is of opinion that the Hon'ble the Speaker be included as a member of the Committee appointed for making rules under section 84(1) of the Government of India Act, 1935, for regulating the procedure and the conduct of business of the Assam Legislative Assembly and that another member may be appointed by the House to take the place of the late Babu Kshirode Chandra Deb in the said Committee.

Sir, when we assembled in the Committee for framing rules and regulations, we found that the Hon'ble Speaker had been omitted from that Committee. Government's view was that as the Hon'ble Speaker had to interpret the rules and regulations that were being made, it would be advisable for him not to be on the Committee. We, by a very large majority, felt that it would be advisable for the Hon'ble Speaker to be in the Committee.

Sir, there is another matter and that is that we have to form Parliamentary tradition and we will need his guidance on the floor of the House. The Speaker is very much concerned in the day to day examination of these rules. So, Sir, with that view in mind, we have brought forward this motion.

In place of the late Deputy Leader of the Congress Party I would name Srijut Jogendra Nath Barua. Sir, I move.

THE HON'BLE THE SPEAKER: The motion before the House is that this House is of opinion that the Hon'ble Speaker be included as a member of the Committee appointed for making rules under section 84(1) of the Government of India Act, 1935, for regulating the procedure and the conduct of business of the Assam Legislative Assembly and that Srijut Jogendra Nath Barua be appointed to take the place of the late Babu Kshirode Chandra Deb in the said Committee.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The Government position, Sir, has been explained by the hon. mover of the motion. We felt, Sir, that if the Hon'ble Speaker was included in the Committee, he could not have an open mind to interpret the rules, and secondly, we thought that if any hon. member of the House, before whom these Rules will be placed for discussion, wanted to criticise adversely those rules, the hon. member also might find himself in an embarrassing position and it may not be appreciated that any criticism against a Committee in which the Hon'ble Speaker was one of the members should be made on the floor of the House. It was for this reason only that Government did not include the Hon'ble Speaker in the motion which was moved in April last.

Now, Sir, the fact that although many hon. members of this House suggested various names when the motion was taken up last April, no one suggested that the Hon'ble Speaker should be included in the Committee, that attitude of the House emboldened us to think that it was not right and proper that the Hon'ble Speaker should be included in that Committee. But when the Committee actually sat it decided, as a matter of fact, by a majority of votes that he should not be invited to the Committee merely to advise, but that he should formally be included as a member of the Committee. That was the decision of the Committee and I, on behalf of Government, assured the Committee that, if any such motion was brought before the House, Government would not oppose it.

Therefore, Sir, Government does not oppose the motion which has been put forward by Mr. Hockenhull and as regards the inclusion of the name of Srijut Jogendra Nath Barua in the Committee, Sir, we welcome him wholeheartedly.

MAULAVI ABDUL MATIN CHAUDHURI: Instead of being taken as a member, he should be taken as an *ex-officio* Chairman.

MR. F. W. HOCKENHULL: In the matter I would like to reserve the decision till the Committee again meets.

The motion was put and adopted.

RESOLUTIONS :

RESOLUTION REGARDING THE ABOLITION OF LINE SYSTEM—(contd.)

MAULAVI ABDUR RAHMAN: Sir, I was allowed by the Hon'ble Speaker to speak a few words on the problem of line system but I could not continue the speech longer as I found most of the hon. members were not willing to sit after five o'clock. Now I like to resume my speech but almost all the points have already been discussed in this House both for and against the resolution and I think, I have got very little left to add to it. Sir, a few facts, I shall be trying to place before this House in order to come to a decision over this knotty problem. I say this is a knotty problem because though it was so ably placed before this House, still I could not even for myself up to now come to any definite understanding whether I should be on behalf of the abolition of the line system or whether I should support the suggestion that was advanced by my hon. friends that a Committee should be formed to ascertain what measures should be adopted regarding this problem. I must say, Sir, that the present aspect of the question has assumed a serious turn mainly due to the horrible remarks made by Mr. Mullan in his Census Report in 1931. He proceeded in his report so far that he remarked that if the immigrants were allowed to pour into this province any longer, the original people of Assam would have to vacate their own original home, and

thus the indigenous people of Assam will become practically extinct. I think, Sir, this remark is mainly responsible for this present agitation and therefore the Assamese people have taken it very seriously that they will be losing their ancestral home. Since then agitation is going on between the original people of Assam and those people who came, and are coming there, from the province of Bengal. Sir, I myself feel ashamed when I utter the word 'immigrants.' I do not think the word 'immigrants' has got any meaning at all. Really, Sir, it is most shameful to utter this word.

Sir, I have learnt from some of my hon. friends that this was a line of demarcation put by Government in order to prevent the new comers from entering into certain lands which were prohibited for them. Since 1925, people from outside began to come in, but for want of land they began to wander about but afterwards they began to purchase the lands. Even now they purchase lands at a very high price, but the result is that they are now persecuted like anything. It is said that necessity knows no law and as a result these new comers purchased lands within the prohibitive area and as a matter of fact they were and are being prosecuted criminally. Hundreds of cases are being tried by Magistrates in these areas and the people are very heavily fined. I understand, Sir, that due to the conviction of these people, thousands of rupees are being realised as fines. Sir, the other day I heard that my hon. friend Syed Abdur Rouf emphatically said that they have come to Assam because they want to live in Assam and that they are ready to die for Assam. After this very expression, Sir, I think, no one can disbelieve that they will again go away from Assam. As a matter of fact, on principles of justice and equity, when they have settled in Assam for so many years they cannot be asked to go away from Assam. Because if they are asked to go away they will neither get any land in their own province nor they will be able to live here in peace. So, I would suggest that this is high time that Government should seriously take up the matter so that some sort of settlement might be arrived at. Of course, Sir, personally I think, that a committee should be formed as was suggested by the European group as well as the other blocks so that this problem may be solved some way or the other. With these few words, I like to resume my seat.

MAULAVI MABARAK ALI: Sir, I rise to support this motion so ably moved by my hon. friend Maulavi Munawwar Ali, not because it has been sponsored by a member of our group but because on a point of justice and equity. Sir, the line system which has been explained by some of the hon. members as the 'line of honour' is very vague in its meaning. Line of demarcation cannot be a line of honour, because it rather prevents the people from coming in and acquiring land. This line system is against the provision of section 298 of the Government of India Act. Again it does offend not only against the rule of Public Policy and Rule against perpetuity but also the natural law of Demand and Supply. Land must not be kept in reserve for future generations by artificial means. Land must not be treated as 'wedding cakes' not to eat but to dream upon. On a point of fact it is also detrimental to the interests of the indigenous natives of the province and also to the interests of Government itself. It is also detrimental to the interests of the immigrants because there is already a large number of immigrants who are not getting any land for them. Sir, whether they get any land or not, they are not going back. They have given up the hope of returning to their original place. They have burnt their boats. If, Sir, lands are settled with them, they will become responsible citizens but without lands they cannot be expected to be so and they may become a danger to the society.

Sir, my next point is that if lands are settled with the immigrants, the revenue of Government will be largely increased and Government will be able to contribute something towards the nation-building departments which are the present-day demand of the people. If Government revenue is increased, we may follow the example of the British Parliament so as to give something to the opposition leader as honorarium. (laughter).

Sir, another bad effect of this Line System is that even the sons of the Province are treated as foreigners. Will you find, Sir, in the annals of any country that sons of the Province are restricted in their own Province? We have detested the policy that is pursued in Kenya even in respect of Indian foreigners. But alas! this invidious distinction is being perpetuated in Assam, even against the sons of the soil. Are we to support this inequitable and unjust treatment? One particular hon. member of the opposition side has held the Line as a line of honour. On the floor of this hon. House they are going to surrender it. Another argument which has been put forward by the Hon'ble Revenue Minister and some of his supporters is that this Line System was introduced for fear of frictions. Sir, is it an argument at all? The whole argument is irrelevant. Can there be any law restraining the father to marry a second wife for fear of friction amongst his step-sons? I think certainly not.

Sir, the policy adopted by the Hon'ble the Revenue Minister and his supporters is the Russian Policy. By confining the immigrants within a particular area he thinks that he should save the lives of these indigenous Assamese. That cannot be. That principle was adopted in Russia and by deporting all the suspects to Siberia the Russian Government thought they were safe. But this policy did not work well in Russia, and could not save the lives of Tripoffs, nor could it save Russia from a Duma. Above all, I think in this resolution there is a Providential hand and I request the hon. members of this House to realise it. Otherwise Providence who looks equally on the rich as well as on the poor would not have given this resolution the topmost place in the ballot.

With these few words, Sir, I beg to support the motion.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: Sir, I had no mind to speak on the resolution over the Line System, as I had very little knowledge about it—i.e., what it was and what it is. But, Sir, I have heard the Hon'ble Revenue Minister and the hon. members on the Congress side, and after hearing them I felt an urge in my mind to speak a few words on the subject.

Sir, the Hon'ble Revenue Minister has said that this system protects and controls the interests of both the settlers and indigenous tribes of Assam. Sir, I wish to deal with this system in two aspects. Firstly, whether this system is really a safeguard or a protective for the interests of the settlers as well as for the indigenous people of Assam. Secondly, how far it has affected the ordinary land revenue of the Province. These are the two aspects on which I shall proceed to deal with this matter.

We have heard, Sir, that according to this system the settlers are confined to a particular area; they are not allowed to go beyond that area, they are not allowed to have land beyond certain line. For the indigenous tribes there is no such restriction, they can go beyond their line or what has been called the "Line of Honour", and keep and possess land and own land within the line of the settlers. Is it, Sir, protecting or safeguarding the interests of the settlers? Again, Sir, if the settlers go beyond the line, they are prosecuted, they are fined, and even if they, owing to the forces of circumstances, happen to build huts on the other side of the line, we have

heard that their houses are burnt, and burnt by whom? Sir, they are burnt not by the indigenous people of Assam, but by Government which calls itself to be a civilized Government. Is it the way, Sir, to protect or safeguard the interests of the settlers?

Again, Sir, as I have learnt from one hon. member, Khan Bahadur Mufizur Rahman, who had first hand knowledge of the Line System, that these indigenous people are responsible for the settlers going beyond the line. The settlers were induced by the indigenous tribes, rather tempted by them to step beyond the line, and why, Sir? Not because these indigenous people liked the settlers, not because they had any interest for the settlers, but because they liked their labour, they wanted their labour, they wanted to enjoy the fruits of their labour. What is the result? We find even if a settler is induced to go or step beyond the line and settle in the line of indigenous people or indigenous tribes, the result is that this particular settler is punished, his houses are burnt, and no enquiry is made whether he was induced or attracted to go beyond the line and settle over there, and the person from amongst the indigenous tribes, who held out that inducement, is not punished. Is this protecting the interests of the Mymensinghias? This reminds me of a story that is in vogue in our part of the country which is this. There was a wife and she refused to go to the husband. When she was asked why, she replied that she did not like her husband. Then there was a demand from the side of the husband that if the wife did not like her husband then she must return the ornaments and clothes given to her. Then the reply was that the wife did not like the husband but she liked the ornaments and clothes. Here also, these people are not liked by indigenous inhabitants but they like the fruit of their labour all right.

Now let us go to the other side of the picture and see in what way the indigenous people are protected by this. I have heard from Mr. N. K. Dutta, and other hon. members that these indigenous people require protection. For what do they require protection? they have got ample land, they live in plenty and I do not understand what protection they require. No instance has been cited by these hon. members who have preceded me saying how these Mymensinghias insulted the indigenous people nor was it made clear whether on account of these settlers, the indigenous people, could not cultivate their lands or they could not occupy their lands, such is not the fact. What is this talk that they want them to live in plenty and plenty for what? They want that these people should remain as uncivilised as they are now, and they want them to remain as idle as ever. They want to protect them from healthy competition, from healthy rivalry. But apart from this these people are innocent and they are addicted to opium and drink. I would ask the hon. members whether they want to protect their opium eating habit.

There is another thing about this line system. This line system, I think, is not the creation of the people; nor, as far as I can understand, did the indigenous people of the province want this system. It is the creation of the bureaucratic Government of old whose foster child it continues to be. Sir, with a view to perpetuate this barbarous line system, one of the bureaucratic master himself went so far as to describe the settlers as land-hungry people, as vultures hovering over land as if land is carcase. I would ask the Hon'ble House, if defamation is still a crime, is not this reporter guilty of that? If setting up and exciting one section of the people against another is a crime, I think the reporter of that piece of information is certainly guilty of that charge. If promoting ill-feeling and hatred and enmity against one section of His Majesty's subjects is a crime, Sir, I think the gentleman who has submitted that report is guilty of it. Mr. Mullan has described these people

as land hungry people. I would ask Mr. Mullan himself and this House as well to judge whether these settlers who have come from a neighbouring district of Bengal are greater land-hungry people than Mr. Mullan and his comrades, I mean his white comrades, who travelled from more than seven thousand miles by land and sea at great personal discomfort to settle in the jungles of Assam where formerly wild beasts and birds only roamed about.

Again, Sir, I feel very much ashamed to find that one hon. member on the side of the Congress for whom we have got high regards actually quoted chapter and verse from it. How he could even touch that indecent report is what I am wondering.

THE HON'BLE THE SPEAKER: The hon. member has got only two minutes more.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: Am I to think, Sir, that the elephant has different set of tusks to exhibit other than that by which it eats.

Now, Sir, I come to the second aspect of it namely the effect it has over the land revenue of the province. Sir, a reference to the report submitted by the Assam Government to the Statutory Commission will make it clear that we have got five million acres of untilled land in this province of Assam. Making liberal allowance for the swampy portions of Sylhet district and the sandy tracts of the Brahmaputra Valley and foot hills, still we have got three million acres of land at our disposal. If these acres be settled, then our income under the head land revenue would have quadrupled. From that point also this line system is pernicious and detrimental to the interests of the people and the province.

THE HON'BLE THE SPEAKER: I hope the hon. member will finish his speech.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: Yes, I have finished, Sir. In this view of things I think, Sir, it will be better if a Committee is formed with the following members as its personnel and this matter be referred to this Committee for their serious consideration and investigation, so that every aspect of the matter may be threshed out and the Committee may come to a definite finding about it. I propose, the names of the following members for the Committee (1) Sj. Gopi Nath Bordoloi, Mr. Hockenhull, Sj. Rajendra Nath Barua, Sj. Purna Chandra Sarma, Maulana Abdul Hamid Khan, Mr. Fakhruddin Ali Ahmed, Maulavi Munawwar Ali, Khan Bahadur Mahmud Ali, and Maulavi Abdur Rouf. These eight members to be in the Committee and Mr. Dawson to be the Secretary.

SRIJUT SARVESWAR BARUA: Does this come as an amendment, Sir?

THE HON'BLE THE SPEAKER: Does the hon. member want to move it as an amendment?

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: I suggest that, Sir, if it be acceptable to the hon. members of this House, I do not move any amendment.

THE HON'BLE THE SPEAKER: Then the hon. member is only supplementing the assurance of the Hon'ble Revenue Minister by adding some names. If the resolution is to be withdrawn on the assurance of the Hon'ble Revenue Minister, the assurance, is further enlarged by adding these names. Is this the position?

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: Sir, there was an assurance from the Hon'ble Revenue Minister that he would appoint a Committee. But we did not hear anything about the personnel of that Committee. I have suggested four names from each of the two Valleys and the name of Mr. Dawson as Secretary.

THE HON'BLE THE SPEAKER: So this suggestion is merely meant for the Hon'ble Revenue Minister.

I would remind the House that the other day, when the debate was adjourned, it was done so on the assurance given by Maulavi Munawwarali that new facts and figures would be forthcoming. I would now draw the attention of the House to that assurance and request hon. members to remember that fact in making speeches on this resolution.

SRIJUT SARVESWAR BARUA: Sir, we think the question has been discussed threadbare and it would be a waste of time to continue the discussion. I therefore beg to move that the question be now put.

KHAN SHAHIB MAULAVI SAYIDUR RAHMAN: Sir, as a member from the Assam Valley I should like to have my say in the matter.

THE HON'BLE THE SPEAKER: Does the hon. member move a closure?

SRIJUT SARVESWAR BARUA: I do, Sir.

MAULAVI MUNAWWARALI: I have a right of reply, Sir.

THE HON'BLE THE SPEAKER: The hon. mover will have a right of reply after the closure.

THE HON'BLE THE SPEAKER: The question now is that the question be put.

The motion was carried.

MAULAVI MUNAWWARALI: Sir, at the very outset I should like to place certain facts for the very serious consideration of the hon. members of this House. The other day these figures were not placed before them and up to this point of the debate the figures have not been forthcoming. I quote the figures, Sir, from the tables of Agricultural Statistics of Assam for the year 1935-36. It is contended that there is very little land available for settlement. The figures are there and they will speak for themselves.

Culturable waste land other than fallow in the Kamrup district is 418,050 acres and the net area sown during the year is 983,260 acres, that is to say only 35 per cent. of the total land is being sown in the district of Kamrup. The figures for Nowgong are that there are 1,438,790 acres of cultivable waste land other than fallow, as against 499,689 acres actually sown, showing that only 15 per cent. of the total area is under actual cultivation. As regards Darrang, the culturable waste land other than fallow is 718,890 acres and the land sown was 554,231 acres, which means that only 25 per cent. of the total land is under cultivation. As regards Sibsagar district, culturable waste land is 1,482,573 acres, the land sown is 754,856 acres, which means that only 22 per cent. of the total land is sown. The area of culturable waste land for Lakhimpur is 1,486,599 acres, the area actually sown is 503,442 acres only, that is to say, 15 per cent. of the total land is sown. The figure for Sylhet, is that 51 per cent. of the total area of the district is sown. If Sylhet could still afford room for settlement of land and invite settlers to settle in Sylhet, why should Nowgong, where 15 per cent. of the land only is sown and the rest is available for settlement, or Kamrup or Darrang or Sibsagar or Lakhimpur where only 35, 25, 22 and 16

per cent. of land respectively is sown, not afford room for settlement? Sir, we have in our district of Sylhet waste lands and we have no line system. We even invite settlers to come. They settle and bring prosperity and wealth to our country. There has never been any cause of friction, the settlement is still going on and there has been no complaint. What obtains in my district is this. We even give lands rent-free, say, from two to three years.

My hon. friends from the Congress block have stated with great emphasis that the absence of the line-system would be a cause of friction and they have also said that murders and pillage and all sorts of things have been occurring. But they have not cited any instance. But, if the line prevents friction, then why do my friends of the Congress block press for joint electorate? It does not lie in their mouth to say that the joint electorate system is profitable and good for the Indian nationhood? Those of my hon. friends who have gone through the Muddiman Report might have seen that in that report Sir Tej Bahadur Sapru opined that "communal electorates lessen friction". Sir, I must say with all the emphasis at my command that it does not lie in their mouth to say that the line system lessens friction if they are not prepared to accept the principle of separate electorates. Do they agree therefore in principle to communal electorates, because when Hindus and Musalmans vote—Hindus for Hindus and Musalmans for Musalmans—there will be no likelihood of friction?

Then it has been stated that the line is a 'line of honour'. If that is so, those who are pressing for communal electorate are justified in thinking it as a 'system of honour' and it would not be proper for the Congressmen to say—'abolish this line'. Is this a line of honour, Sir? I should say from the view point of Indian Nationhood that it is a line of dishonour, because it keeps apart one from his kith and kin, one Indian from another Indian. Most of the people of the Brahmaputra Valley who are there now may have come earlier than those who have now been pouring in, but that is no reason why they should be treated differently. If we are to go on reserving lands indiscriminately for the coming generations then there could be no genuine ideal for the uplift of the nation. It has been said that the indigenous people will suffer if there is no such reservation of lands. Could America have been discovered, could Australia and the various other colonies have been discovered if the Englishmen had followed the dictum of my hon. friends here if they were made devoid of the spirit of adventure, as my hon. friends there want their fellow brethren to be? One of my friends has stated that the line is checking the cancer of communal antagonism, but I should like to say that it is rather endangering the cancer.

Sir, this question has drawn the attention of the hon. members of this House much more than any other question has done during this session of the Assembly. The Hon'ble Revenue Minister the other day admitted, when a question was put to him regarding the colonisation scheme, that the colonisation area is chiefly meant for the Sylheties (*voices: No.—No.*). The Sylheties have got to pay premium for occupying lands within the colonisation area. No indigenous people go there within the area because they have got hundreds and hundreds of *puras* of lands reserved for them. Without entering into the question of justification or otherwise for charging premium from people coming from outside the province, I wish to ask where is the justification for charging premium from the Sylheties? Then are they not foreigners in their own province?

Then again the term 'immigrants' has been justly characterised as a misnomer. If these people had come from another part of the world they

might have been characterised as immigrants ; but, Sir, people coming from one district to another in the same province are called immigrants and charged premium ! I objected to this invidious premium in the previous Council and I had been talking at the top of my voice for the abolition of this, but the adamant bureaucratic Government did not pay heed to it ! Now we are to hear from a popular Government if there is any justification for that premium.

I do not like to dilate upon the subject any further because I think the relevant points have been amply elucidated and brought home to every hon. member. But I would appeal to the hon. members of the House particularly to those who are out with a view to bring emancipation to India and whose policy is to see India free—not only free, but independent. Is there any justification for the maintenance of this line ? Sir, I may beg your indulgence to permit me to say this. I have read in papers in connection with a case which has just been disposed of that as much as Rs.28,000 were received by the indigenous people as price of lands belonging to them and sold to the so-called immigrants ! Then who are responsible for allowing this line to be broken ? Is it not the indigenous people themselves who really have broken the line ? Then how can you call it a 'line of honour' ? If it were a line of honour, why those who call it a line of honour allow the immigrants to transgress it ! Is it not a fact that the line is allowed to be crossed on receipt of some silver coins ?

I hope the hon. members will consider the whole matter very carefully and view it from the Indian national point of view.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Sir, while on this debate the other day, Government gave an assurance that if this resolution was withdrawn then Government would have a representative committee appointed—a committee consisting only of one official and the rest non-officials to enquire into the whole question. Government stated quite plainly that if this resolution was not withdrawn, then Government would oppose this resolution. Government sticks to that position.

MAULAVI MUNAWWARALI : On a personal explanation, Sir. I shall be agreeable to withdraw the resolution if the Hon'ble Revenue Minister will accept the committee suggested by my hon. friend to my left.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : So far as the personnel is concerned, I am not prepared to make any definite statement, but I am prepared to accept the general principle underlying the personnel which has been just mentioned, namely, Sir, that two members will be from the Assam Valley Hindus, and I would only add one scheduled caste because we must have a member from the Scheduled caste. That would make three from the Assam Valley Hindus, and one from the tribal. There will be three Muhammadans—one will be from the Surma Valley, one from the Assamese Muhammadans and one from that we generally call settlers.

MAULAVI ABDUL MATIN CHAUDHURY : Will the Hon'ble Minister be pleased to accept the suggestion that as immigrants are mainly concerned, there should be more immigrant members in the Committee.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Well, there will be a European member and also the Revenue Secretary. I am not prepared to accept the suggestion that Mr. Dawson should be taken in, because Mr. Dawson occupies the position of the member of the Revenue Tribunal. He is the highest Judicial Officer in the province so far as revenue matters are concerned. Questions of settlement of areas, etc., are liable to come to him on appeal. So we do not propose

to have Mr. Dawson in the Committee. I believe therefore that the House is in general agreement that a committee be appointed to go into this question. If on the other hand, my hon. friend insists on carrying his resolution, I ask him, what additional advantage he will gain if this resolution is carried. Does he mean to say that by the abolition of the line system he will get thousands of acres of land available for settlement of immigrants at once? What is this line system after all? This line system is for the benefit both of immigrants as well as indigenous people. It was, at any rate intended as such.

Then, Sir, on the other hand, hon. members who are opposing this resolution must not understand that by merely defeating this resolution, they will gain anything substantial. Hon. members have seen in replies to questions that in Nowgong itself in 1936 the area occupied by immigrants is 204,078 acres and that occupied by the natives of the province is 337,082 acres. Even in spite of the line system a considerable area of land has been already settled with immigrants. But the whole question is, how we can protect the immigrants as well as indigenous people. By merely perpetuating the line system we cannot protect the indigenous people. Some means will have to be found by an agreement whereby we can do something for these people who have settled for years in these areas, and who, in some cases, have adopted Assamese as their mother tongue, and have also written books in Assamese. Should we, for eternal future, classify them as immigrants? Should we not also do something for their protection and at the same time find out means whereby we can check this influx of immigrants and also devise some means to safeguard the interests of the indigenous people? I may mention here that unless and until the Hindus and Muhammadans, the two principal communities, are united, there is no hope for them in future, and by doing something that is calculated to further alienate that feeling we may bring about our own ruin. If we now refuse to enquire into this matter carefully and only seek to defeat this resolution, a feeling of resentment will be roused in our Muhammadan brethren. Therefore, Sir, I ask this House to agree to the appointment of a Committee without prejudice to enquire into the question. A questionnaire will be framed and the recommendations of the Committee will be placed before this House and the House will get another opportunity to express its views. They can then refuse or accept the recommendation of the Committee. Only 2 or 3 months will be taken by this committee. Nothing serious will happen. The decision rests with this House. Simply by passing this resolution they cannot dispense with the line system. In the meantime, instructions will be issued to Deputy Commissioners that pending a decision, the existing system will be maintained strictly.

RAI BAHADUR PROMODE CHANDRA DATTA: Is there any amendment to that effect before the House, Sir?

MAULAVI ABDUL MATIN CHAUDHURY: On a point of information, Sir. I have not yet heard from the Hon'ble Revenue Minister if he would give the assurance that the immigrants' interests will be effectively represented, one single member is not enough. We want one more.

THE HON'BLE SRIJIT ROHINI KUMAR CHAUDHURI: We have not come to any decision about the personnel of the Committee. We shall consider the whole suggestion. As I have just stated before the House, whether the number will be increased or not, I am not in a position to say now definitely.

THE HON'BLE THE SPEAKER: The Hon'ble Minister will please let the House know about the number of members.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, there will be three Hindu members including one scheduled caste ; three Muhammadan members—one Muhammadan member will of course come from the Surma Valley and two Muhammadans from the Assam Valley ; one European member, one tribal member and the Revenue Secretary. Thus there will be nine members in all. I think, I have substantially accepted the suggestion of my hon. friend Khan Sahib Maulavi Mudabbir Hussain Chaudhuri excepting that I have included one scheduled caste member.

THE HON'BLE THE SPEAKER: Then I am going to put the question.

MAULAVI MUNAWWARALI: Before you put the question, Sir, I want to be sure if the Hon'ble Revenue Minister gives serious consideration to the suggestion advanced by my hon. friend Maulavi Abdul Matin Chaudhuri.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: If the hon. members want to increase the number of the members, then I should rather like to ask the House to elect their own members.

MAULAVI ABDUL MATIN CHAUDHURY: Sir, it concerns the immigrants mainly as they want their interests to be safeguarded. It does not concern the House as a whole so much.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, perhaps the hon. members know that there is no restriction in other districts except in Nowgong for the Sylheti immigrants. Only in the district of Nowgong there is a block in the colonisation area for the immigrants of the Sylhet district. And one hon. member of the Sylhet district has actually moved the resolution. So the Muhammadans of the Sylhet district as well as the Assam Valley districts are interested in it. Therefore we want to have one Muhammadan member from Surma Valley and two Muhammadan members from the Assam Valley one being from the Mymensingh settlers.

MAULAVI ABDUL MATIN CHAUDHURY:—Sir, the question is mainly between the Assam Valley people and the immigrants of the Assam Valley and in order to safeguard the interests of the immigrants their number should be increased by one.

MAULAVI MUNAWWARALI: I also accept the suggestion of my hon. friend Maulavi Abdul Matin Chaudhuri.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I will take the suggestion of the hon. member into consideration.

MAULAVI MUNAWWARALI. When assurance is given, I beg leave to withdraw the resolution.

SRIJUT PURNA CHANDRA SARMAH—I oppose it, Sir.

THE HON'BLE THE SPEAKER: I am going to put the question.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: According to rule 74 the leave of the Assembly has to be taken. The rule says that "A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the Assembly."

RAI BAHADUR PROMODE CHANDRA DATTA: Yes, Sir. With regard to the motion the majority of the votes of the House will have to be taken.

THE HON'BLE THE SPEAKER: Then I shall have to ask whether the Assembly gives leave to the mover of the resolution to withdraw the motion.

SRIJUT PURNA CHANDRA SARMAH: On a point of information, Sir May I know whether rule 70 applies in this case ?

THE HON'BLE THE SPEAKER: Rule 70 does not apply in this case, but rule 74(1) is applicable in this case.

The question is that leave be granted to the hon. mover of the resolution on the line system to withdraw the resolution.

It was put to the House and the Hon'ble Speaker declared that it was carried, but there was a protest from the opposition party that it was not carried.

SRIJUT PURNA CHANDRA SARMAH: Sir, I claim a division.
The House divided with the following result:—

Ayes—63.

1. Babu Akshay Kumar Das.
2. Babu Bipin Behari Das.
3. Srijut Jogendra Narayan Mandal
4. Babu Kalachand Roy.
5. Babu Kamini Kumar Sen.
6. Babu Lalit Mohan Kar.
7. Dr. Mahendra Nath Saikia.
8. Mr. Naba Kumar Dutta.
9. Rai Bahadur Promode Chandra Datta.
10. Srijut Purandar Sarma.
11. The Hon'ble Srijut Rohini Kumar Chaudhuri.
12. Maulavi Abdul Aziz.
13. Maulavi Abdul Bari Chaudhuri.
14. Maulana Abdul Hamid Khan.
15. Khan Bahadur Hazi Abdul Majid Chaudhury.
16. Maulavi Abdul Matin Chaudhury.
17. Maulavi Abdur Rahman.
18. Maulavi Syed Abdur Rouf.
19. Maulavi Md. Abdus Salam.
20. Maulavi Dewan Muhammad Ahbab Chaudhury.
21. The Hon'ble Maulavi Md. Ali Haidar Khan.
22. Maulavi Dewan Ali Raja.
23. Maulavi Muhammad Amiruddin.
24. Maulavi Muhammad Amjad Ali.
25. Maulavi Badaruddin Ahmed.
26. Mr. Fakhruddin Ali Ahmed.
27. Maulavi Ghyasuddin Ahmed.
28. Maulavi Jahanuddin Ahmed.
29. Khan Bahadur Maulavi Keramat Ali.
30. Maulavi Muhammad Maqbul Hussain Chaudhury.
31. Khan Bahadur Maulavi Mahmud Ali.
32. Maulavi Matior Rahman Mia.

Noes.—34.

1. Mr. Arun Kumar Chanda.
2. Srijut Beliram Das.
3. Srijut Bhuban Chandra Gogoi.
4. Srijut Bipin Chandra Medhi.
5. Babu Dakshina Ranjan Gupta Chaudhuri.
6. Srijut Debeswar Sarmah.
7. Srijut Ghanashyam Das.
8. Srijut Gaurikanta Talukdar.
9. Srijut Gopinath Bardoloi.
10. Srijut Haladhar Bhuyan.
11. Babu Hirendra Chandra Chakravarty.
12. Srijut Jadav Prosad Chaliha.
13. Srijut Jogendra Chandra Nath.
14. Srijut Jogendra Nath Barua.
15. Srijut Jogeschandra Gohain.

Ayes—63—concl'd.

Noes—34—concl'd.

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| 33. Maulavi Mabarakali. | 16. Srijut Kameswar Das. |
| 34. Khan Sahib Muulavi Madabbir Hussain Chaudhuri. | 17. Mr. Kedarmal Brahmin. |
| 35. Maulavi Munawwarali. | 18. Srijut Krishna Nath Sarma. |
| 36. Maulavi Muzarrof Ali Laskar. | 19. Babu Rabindra Nath Aditya. |
| 37. Maulavi Namwar Ali Barbhuiya. | 20. Srijut Lakheswar Borooah. |
| 38. Maulavi Naziruddin Ahmed. | 21. Srijut Mahadev Sarma. |
| 39. Maulavi Sheikh Osman Ali Sadagar. | 22. Srijut Mahi Chandra Bora. |
| 40. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 23. Srijut Omeo Kumar Das. |
| 41. Khan Sahib Maulavi Sayidur Rahman. | 24. Srijut Paramananda Das. |
| 42. The Hon'ble Shams-ul-Ulama Maulana Abu Nasr. Md. Waheed. | 25. Srijut Purna Chandra Sarma. |
| 43. Col. A. B. Beddow. | 26. Srijut Rajani Kanta Barooah. |
| 44. Mr. A. F. Bendall. | 27. Srijut Rajendra Nath Barua. |
| 45. Mr. J. R. Clayton. | 28. Srijut Ram Nath Das. |
| 46. Mr. W. R. Faull. | 29. Srijut Sankar Chandra Barua. |
| 47. Mr. W. Fleming. | 30. Srijut Sarveswar Barua. |
| 48. Mr. B. I. Barry. | 31. Babu Shibendra Chandra Biswas. |
| 49. Mr. F. W. Hockenhuill. | 32. Srijut Siddhi Nath Sarma. |
| 50. Mr. D. B. H. Moore. | 33. Srijut Dhirsingh Deuri. |
| 51. Mr. R. A. Palmer. | 34. Srijut Karka Dalay Miri. |
| 52. Miss Mavis Dunn. | |
| 53. Mr. Benjamin Ch. Momin. | |
| 54. Srijut Bhairab Chandra Das. | |
| 55. Srijut Bideshi Pan Tanti. | |
| 56. Srijut Binode Kumar J. Sarwan. | |
| 57. Rev. L. Gatphoh. | |
| 58. Mr. C. Goldsmith. | |
| 59. Mr. Jobang D. Marak. | |
| 60. The Hon'ble Rev. J. J. M. Nichols-Roy. | |
| 61. Srijut Khorsing Terang. | |
| 62. Srijut Rabi Chandra Kachari. | |
| 63. Srijut Rupnath Brahma. | |

Leave was granted and the resolution stood withdrawn.

THE HON'BLE THE SPEAKER: I may remind hon. members that on Monday we meet at 10 a.m.

I am making another request to the hon. members. Perhaps hon. members have noticed that in the name cards numbers have been put. It will be very convenient if each member remembers the number put down in his card for the purpose of economising time while taking division.

The House was then adjourned till 10 a.m. on Monday, the 16th August, 1937.

DATED SHILLONG: }
The 19th September 1937. }

A. K. BARUA,
Secretary, Assam Legislative Assembly.

APPENDIX A

The 26th July 1937

No.2571-L.S.-G.—In exercise of the power conferred by section 296 of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, the Governor of Assam is pleased to make the following amendment in the rules published with Notification No.1041-E., dated the 8th March 1924:—

AMENDMENT

Put an asterisk against "Interest on capital outlay" in column 8 of the Form 2 prescribed in rule 21 of the Account Rules for Subsidiary Account of Special Rates and *add* the following as a footnote:—

"*In case of expenditure met from loan fund the annual equated payment should be shown here, no entry being made in column 6."

C. S. MULLAN,

Secy. to the Govt. of Assam, Edn. & L. S.-G. Depts.